SUPPLEMENTAL APPENDIX

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1979 Assembly Bill 169 Date published: **February 29, 1980**

CHAPTER 111, Laws of 1979

AN ACT to repeal 15.197 (16) and 46.95 (4); to renumber 813.025 (1) and (2); to amend 50.01 (1), 59.20 (5) (b), 59.395 (5), 165.85 (4) (b), 973.05 and 973.07; and to create 15.197 (16), 20.435 (8) (c) and (h), 46.95, 767.23 (1m), 813.025 (2), 940.19 (1m), 940.33, 969.02 (2m), 971.37 and 973.055 of the statutes, relating to

domestic abuse, creating a council on domestic abuse, creating an appropriation, granting rule-making authority and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. **Legislative findings.** The legislature finds that:

(1) Domestic abuse is a serious social problem which requires a comprehensive, informed and determined response by a concerned society.

(2) There is a need to promote public understanding of domestic abuse and to provide specialized training for persons who must deal directly with the problem.

(3) There is a critical need for specialized assistance to victims of domestic abuse, as well as their abusers, and the state should share in supplying this assistance.

(4) Domestic abuse poses unusual challenges to government agencies and the legal system and additional methods and resources are necessary to meet these challenges.

SECTION 2. 15.197 (16) of the statutes is created to read:

15.197 (16) COUNCIL ON DOMESTIC ABUSE. There is created in the department of health and social services a council on domestic abuse. The council shall consist of 9 members nominated by the governor and appointed, with the advice and consent of the senate, for staggered 3-year terms. Persons appointed shall have with a recognized interest in and knowledge of the problems and treatment of victims of domestic abuse. This subsection does not apply on or after July 1, 1985.

SECTION 2m. 15.197 (16) of the statutes, as created by chapter .... (this act), laws of 1979, is repealed.

SECTION 3. At the appropriate place in the schedule of section 20.005 of the statutes, insert the following amounts for the purposes indicated:

				1979-80	1980-81
20.435	**Health and social services, department of**				
(8)	GENERAL ADMINISTRATION				
(c)	Domestic abuse grants	GPR	A	-0-	1,000,000

SECTION 4. 20.435 (8) (c) and (h) of the statutes are created to read:

20.435 (8) (c) *Domestic abuse grants.* The amounts in the schedule for the purposes of s. 46.95, except that the total expenditures under par. (h) and this paragraph shall not exceed $1,000,000 in any fiscal year.

(h) *Domestic abuse assessment.* All moneys received from the domestic abuse assessment surcharge on court fines, as authorized under s. 973.055, for the purposes of s. 46.95.

SECTION 5. 46.95 of the statutes is created to read:

46.95 Domestic abuse grants. (1) DEFINITIONS. In this section:

(a) "Domestic abuse" means physical abuse or threats of physical abuse between persons living in a spousal relationship or persons who formerly lived in a spousal relationship.

(b) "Organization" means a nonprofit corporation or a public agency which provides or proposes to provide any of the following domestic abuse services:

1. Shelter facilities or private home shelter care.
2. Advocacy and counseling for victims.
3. A 24-hour telephone service.
4. Community education.

(c) "Spousal relationship" means either a marital relationship or 2 persons of the opposite sex who share one place of abode with minor children and live together in a relationship which is similar to a marital relationship, except that the 2 persons are not married to each other.

(2) DISTRIBUTION OF FUNDS. (a) The secretary shall make grants from the appropriations under s. 20.435 (8) (c) and (h) to organizations for the provision of any of the services specified in sub. (1) (b). Grants may be made to organizations which have provided domestic abuse services in the past or to organizations which propose to provide services in the future.

(b) In reviewing applications for grants, the department shall consider:

1. The need for domestic abuse services in the specific community in which the applicant provides services or proposes to provide services.

2. Coordination of the organization's services with other resources in the community and the state.

3. The need for domestic abuse services in the areas of the state served by each substate health planning agency as defined in s. 150.001 (13).

4. The needs of both urban and rural communities.

(c) No grant may be made to an organization which provides or will provide shelter facilities unless the department of industry, labor and human relations determines that the physical plant of the facility will not be dangerous to the health or safety of the residents when the facility is in operation. No grant may be given to an organization which provides or will provide shelter facilities or private home shelter care unless the organization ensures that the following services will be provided either by that organization or by another organization, person or agency:

1. A 24-hour telephone service.

2. Temporary housing and food.

3. Advocacy and counseling for victims.

4. Referral and follow-up services.

5. Arrangements for education of school-age children.

6. Emergency transportation to the shelter.

(d) No organization may receive more than 70% of its operating budget or $100,000 annually, whichever is less, under this section. If the organization is not or will not be providing shelter facilities or private home shelter care, it shall not receive more than 70% of its operating budget or $50,000 annually, whichever is less, under this section.

(e) Of the funds distributed under this section, 40% shall be for shelter facilities that are providing services on the date of application for the grant and 40% shall be for shelter facilities that will begin to provide services after the date of application for the grant or for private home shelter care, and 20% shall be for the services listed in sub. (1) (b) 2 to 5 that will not be provided in connection with shelter care programs with preference given to organizations in areas of the state where those services are not otherwise available. Any funds that are not spent under this formula at the end of a fiscal year may be reallocated by the department to one of the other categories. The expenditure of reallocated funds shall not be counted for the purpose of determining the percentages of fund distribution by category under this paragraph.

(3) REPORT BY DEPARTMENT. In addition to the biennial report of the secretary under s. 15.04 (1) (d), the department shall annually prepare and transmit to the governor and legislature a report of activities under this section, including names and locations of organizations receiving grants, the amounts of grants, services provided by grantees and the number of persons served. The report may also include recommendations for changes in the formula specified in sub. (2) (e).

(4) ADVICE FROM COUNCIL. The council on domestic abuse shall review applications for grants under this section and shall advise the secretary as to whether the applications should be approved or denied. The council shall consider the criteria under sub. (2) (b) when reviewing the applications. This subsection does not apply on or after July 1, 1985.

SECTION 5m. 46.95 (4) of the statutes, as created by chapter .... (this act), laws of 1979, is repealed.

SECTION 6. 50.01 (1) of the statutes is amended to read:

50.01 (1) "Community-based residential facility" means a place where 3 or more unrelated adults reside in which care, treatment or services above the level of room and board but not including nursing care are provided to persons residing in the facility as a primary function of the facility, except that the department may approve an application from a nursing home which serves fewer than 20 residents and which otherwise meets the definition of this subsection to be licensed and regulated as a community-based residential facility. The reception and care or treatment of a person in a convent or facility owned or operated exclusively by and for members of a religious order shall not constitute the premises to be a "community-based residential facility". "Community-based residential facility" does not include a facility or private home that provides care, treatment and services only for victims of domestic abuse, as defined in s. 46.95 (1) (a), and their children.

SECTION 6g. 59.20 (5) (b) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

59.20 (5) (b) For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 for the penalty assessment surcharge, the amounts required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 29.997 for the natural resources assessment surcharge and the amount required by s. 29.998 for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month, certified by personal affidavit endorsed upon or attached thereto, and at the same time pay to the state treasurer the amount thereof.

SECTION 6r. 59.395 (5) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

59.395 (5) Pay monthly to the county treasurer for the use of the state the state tax required to be paid on each civil action, cognovit judgment and special proceeding filed during the preceding month and pay monthly to the county treasurer for the use of the state the amount for court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required under s. 29.997 (1) (d) for the natural resources assessment surcharge and the amounts required under s. 29.998 (1) (d) for the natural resources restitution payments. The payments shall be made by the 15th day of the month following receipt thereof.

SECTION 7. 165.85 (4) (b) of the statutes is amended to read:

165.85 (4) (b) No person ~~shall~~ may be appointed as a law enforcement officer, except on a temporary or probationary basis, unless ~~such~~ the person has satisfactorily completed a preparatory program of law enforcement training approved by the board and has been certified by the board as being qualified to be a law enforcement officer. The program shall include at least 240 hours of training. The specific curriculum of the 240-hour preparatory program shall be promulgated by the board as a rule under ch. 227. The rule shall ensure that there is an adequate amount of training to enable the person to deal effectively with domestic abuse incidents. The period of temporary or probationary employment established at the time of initial employment shall not be extended by more than

one year for an officer lacking the training qualifications required by the board. The total period during which a person may serve as a law enforcement officer on a temporary or probationary basis without completing a preparatory program of law enforcement training approved by the board shall not exceed 2 years, except that the board shall permit part-time law enforcement officers to serve on a temporary or probationary basis without completing a program of law enforcement training approved by the board to a period not exceeding 6 years. For purposes of this section, a part-time law enforcement officer is a law enforcement officer who routinely works not more than one-half the normal annual work hours of a full-time employe of the employing agency or unit of government. Law enforcement training programs including municipal, county and state programs meeting standards of the board shall be acceptable as meeting these training requirements.

SECTION 8. 767.23 (1m) of the statutes is created to read:

767.23 (1m) If a family court commissioner believes that a temporary restraining order or injunction under s. 813.025 (2) is appropriate in an action, the court commissioner shall inform the parties of their right to seek the order or injunction and the procedure to follow. On a motion for such a restraining order or injunction, the family court commissioner shall submit the motion to the court within 5 working days.

SECTION 9. 813.025 (1) and (2) of the statutes are renumbered 813.025 (1) (a) and (b).

SECTION 10. 813.025 (2) of the statutes is created to read:

813.025 (2) (a) A judge may issue a temporary restraining order requiring a person to avoid premises occupied by someone with whom the person is living or has lived in a spousal relationship, as defined in s. 46.95 (1) (c), or not to contact that person or both. Such an order may only be issued if the judge has reasonable grounds to believe that a violation of s. 940.19 has occurred or, based on the prior conduct of the parties, may occur. The order may only be issued to the person whom the judge believes has violated or may violate s. 940.19. A petition for the order may be filed by the alleged or potential victim of the violation of s. 940.19. Violation of an order issued under this subsection is punishable under s. 940.33.

(b) Notice need not be given to the defendants prior to the issuance of a temporary restraining order under this subsection. The court may grant the temporary restraining order at any time before the hearing and determination of the application for an interlocutory injunction. The temporary restraining order shall be effective only for 5 days unless extended after notice and hearing thereon, or upon written consent of the parties or their attorneys. The temporary restraining order shall not remain in force beyond the time of the determination of the application for an interlocutory injunction. The order or injunction under this subsection may be issued only by a judge and not by a court commissioner. An injunction under this subsection shall not be effective for more than 2 years.

SECTION 11. 940.19 (1m) of the statutes is created to read:

940.19 (1m) Whoever causes great bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed is guilty of a Class E felony.

SECTION 12. 940.33 of the statutes is created to read:

940.33 Violation of certain restraining orders or injunctions. Whoever knowingly violates an order or injunction issued under s. 813.025 (2) is guilty of a Class C misdemeanor.

SECTION 14. 969.02 (2m) of the statutes is created to read:

969.02 (2m) In addition to or in lieu of the alternatives under subs. (1) and (2), the judge may:

(a) Place the person in the custody of a designated person or organization agreeing to supervise him or her.

(b) Place restrictions on the travel, association or place of abode of the defendant during the period of release.

SECTION 15. 971.37 of the statutes is created to read:

971.37 Deferred prosecution programs. (1) The district attorney may enter into a deferred prosecution agreement under this section with a person accused of, or charged with, a violation of s. 940.19 (1) or (1m) if the alleged victim lives with or has lived with the person in a spousal relationship, as defined in s. 46.95 (1) (c). The agreement shall provide that the prosecution will be suspended for a specified period, not to exceed one year from the date of the agreement, if the person complies with conditions specified in the agreement. The agreement shall be in writing, signed by the district attorney or his or her designee and the person, and shall provide that the person waives his or her right to a speedy trial and that the agreement will toll any applicable civil or criminal statute of limitations during the period of the agreement, and, furthermore, that the person shall file with the district attorney a monthly written report certifying his or her compliance with the conditions specified in the agreement.

(2) The written agreement shall be terminated and the prosecution may resume upon written notice by either the person or the district attorney to the other prior to completion of the period of the agreement.

(3) Upon completion of the period of the agreement, if the agreement has not been terminated under sub. (2), the court shall dismiss, with prejudice, any charge or charges against the person in connection with the crime specified in sub. (1), or if no such charges have been filed, none may be filed.

(4) Consent to a deferred prosecution under this section is not an admission of guilt and the consent may not be admitted in evidence in a trial for the crime specified in sub. (1), except if relevant to questions concerning the statute of limitations or lack of speedy trial. No statement relating to the crime, made by the person in connection with any discussions concerning deferred prosecution or to any person involved in a program in which the person must participate as a condition of the agreement, is admissible in a trial for the crime specified in sub. (1).

(5) This section does not preclude use of deferred prosecution agreements for other crimes.

SECTION 15g. 973.05 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

973.05 Fines and penalty assessments. (1) When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, of the penalty assessment imposed by s. 165.87, any applicable domestic abuse assessment imposed by s. 973.055, any applicable natural resources assessment imposed by s. 29.997 and any applicable natural resources restitution payment imposed by s. 29.998 to be made within a period not to exceed 60 days. If no such permission is embodied in the sentence, the fine, the penalty assessment, any applicable domestic abuse assessment, any applicable natural resources assessment and any applicable natural resources restitution payment shall be payable immediately.

(2) When a defendant is sentenced to pay a fine and is also placed on probation, the court may make the payment of the fine, the penalty assessment, any applicable domestic abuse assessment, any applicable natural resources assessment and any applicable natural resources restitution payments a condition of probation. When the payments are made a condition of probation by the court, payments thereon shall be applied first to payment of the penalty assessment until paid in full, shall then be applied to payment of the domestic abuse assessment until paid in full, shall then be applied to payment of the natural resources assessment if applicable until paid in full, shall then be applied to payment of the natural resources restitution payment until paid in full and shall then be applied to payment of the fine.

SECTION 15m. 973.055 of the statutes is created to read:

973.055 Domestic abuse assessments. (1) On or after the effective date of this act (1979), if a court imposes a fine, the court shall determine whether the criminal conduct involved domestic abuse, as defined in s. 46.95 (1) (b). If the court makes the finding, it shall impose a domestic abuse assessment, in addition to the fine and penalty assessment, in an amount of 10% of the fine imposed. If multiple offenses are involved, the domestic abuse assessment shall be based on the total fine for all offenses which involved domestic abuse. If a fine is suspended, the domestic abuse assessment shall be reduced in proportion to the suspension.

(2) After the court determines the amount due, the clerk of the court shall collect and transmit the amount to the county treasurer as provided in s. 59.395 (5). The county treasurer shall then make payment to the state treasurer as provided in s. 59.20 (5) (b).

(3) All moneys collected from domestic abuse assessments shall be deposited by the state treasurer in s. 20.435 (8) (h) and utilized in accordance with s. 46.95.

SECTION 15r. 973.07 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

973.07 Failure to pay fine or costs. If the fine, costs, penalty assessment, applicable domestic abuse assessment payment, applicable natural resources assessment or applicable natural resources restitution payment are not paid as required by the sentence, the defendant may be committed to the county jail until the fine, costs, penalty assessment, applicable domestic abuse assessment payment, applicable natural resources assessment or applicable natural resources restitution payment are paid or discharged for a period fixed by the court not to exceed 6 months.

SECTION 16. **Council on domestic abuse; initial appointments.** The terms of the initial members of the council on domestic abuse shall expire, as designated at the time of appointment, as follows: 3 terms on July 1, 1980, 3 terms on July 1, 1981, and 3 terms on July 1, 1982.

SECTION 17. **Program responsibility.** (1) In the list of program responsibilities specified for the department of industry, labor and human relations in section 15.221 (intro.) of the statutes, reference to section "46.95 (2) (c)" is inserted.

(2) In the list of program responsibilities specified for the department of justice in section 15.251 (intro.) of the statutes, reference to section "813.025" is deleted and reference to section "813.025 (1) (b)" is inserted.

SECTION 18. **Effective date.** (1) Except as provided in sub. (2), this act takes effect on the first day of the 3rd month commencing after its publication.

(2) The repeal of sections 15.197 (16) and 46.95 (4) of the statutes by SECTIONS 2m and 5m of this act takes effect July 1, 1985.

1979 Assembly Bill 749 Date published: **February 29, 1980**

CHAPTER 112, Laws of 1979

AN ACT to repeal 969.02 (2) (a); to renumber 969.02 (3) to (6) and 969.03 (2); to amend 969.01 (4), 969.02 (7), as renumbered, 969.03 (1) (e) and 970.03 (1); to repeal and recreate 969.03 (1) (c) and 969.08; and to create 969.02 (3) and (4) and 969.03 (2) of the statutes, relating to bail.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. **Legislative findings.** The legislature finds that:

(1) A person who is released on bail has an obligation to act in conformance with the conditions of bail, and the commission of a serious crime by a person who is released on bail is inconsistent with an essential condition of release.

(2) A person who has been admitted to bail and who commits a serious crime while released on bail should be subject to having that bail revoked.

(3) There shall be a procedure for balancing the rights of the people to be protected from serious crimes with the rights of an alleged offender to remain on bail. Due process safeguards must be provided to ensure that the power to revoke bail is not abused.

SECTION 2. 969.01 (4) of the statutes is amended to read:

969.01 (4) CONSIDERATIONS IN FIXING AMOUNT OF BAIL. The amount of bail shall be determined in reference to the purpose of bail to assure the appearance of the defendant when ~~it is his duty~~ required to appear to answer a criminal prosecution. Proper considerations in fixing a reasonable amount of bail which will assure the defendant's appearance for trial are: ~~The~~ the ability of the arrested person to give bail, the nature, number and gravity of the ~~offense~~ offenses and the potential penalty the defendant faces, whether the alleged acts were violent in nature, the defendant's prior criminal record, if any, the character, health, residence and reputation of the defendant, ~~his health,~~ the character and strength of the evidence which has been presented to the judge, whether the defendant is currently on probation or parole, whether the defendant is already on bail in other pending cases, whether the defendant has been bound over for trial after a preliminary examination, whether the defendant has in the past forfeited bail or was a fugitive from justice at the time of ~~his~~ arrest, and the policy against unnecessary detention of the defendants [defendant's] pending trial.

SECTION 3. 969.02 (2) (a) of the statutes is repealed.

SECTION 4. 969.02 (3) to (6) of the statutes are renumbered 969.02 (5) to (8), and 969.02 (7), as renumbered, is amended to read:

969.02 (7) ~~Subject to sub. (4), when the conditions of the bond have been performed and the person for whom bail was required has been discharged from all obligations, the clerk shall return to the defendant 90% of the sum which had been deposited and shall retain as costs 10% of the amount deposited pursuant to sub. (2) (a).~~ If the complaint against the defendant has been dismissed or if the defendant has been acquitted, the entire sum deposited shall be returned. A deposit ~~pursuant to~~ under sub. (2) shall be returned to the person who made the deposit, his or her heirs or assigns, subject to sub. ~~(4)~~ (6).

SECTION 5. 969.02 (3) and (4) of the statutes are created to read:

969.02 (3) In addition to or in lieu of the alternatives under subs. (1) and (2), the judge may:

(a) Place the person in the custody of a designated person or organization agreeing to supervise him or her.

(b) Place restrictions on the travel, association or place of abode of the defendant during the period of release.

(c) Prohibit the defendant from possessing any dangerous weapon.

(4) As a condition of release in all cases, a person released under this section shall not commit any crime.

SECTION 6. 969.03 (1) (c) of the statutes is repealed and recreated to read:

969.03 (1) (c) Prohibit the defendant from possessing any dangerous weapon.

SECTION 7. 969.03 (1) (e) of the statutes is amended to read:

969.03 (1) (e) Impose any other condition deemed reasonably necessary to assure appearance as required or deemed reasonably necessary to protect public or individual safety, including a condition requiring that the defendant return to custody after specified hours. The charges authorized by s. 56.08 (4) and (5) shall not apply under this section.

SECTION 8. 969.03 (2) of the statutes is renumbered 969.03 (3).

SECTION 9. 969.03 (2) of the statutes is created to read:

969.03 (2) As a condition of release in all cases, a person released under this section shall not commit any crime.

SECTION 10. 969.08 of the statutes is repealed and recreated to read:

969.08 Grant, reduction, increase or revocation of bail. (1) Upon petition by the state or the defendant, the court before which the action is pending may increase or reduce the amount of bail or may alter the conditions of bail or the bail bond or grant bail if it has been previously revoked. Except as provided in sub. (5), a defendant for whom conditions of release are imposed and who after 72 hours from the time of initial appearance before a judge continues to be detained in custody as a result of the defendant's inability to meet the conditions of release, upon application, is entitled to have the conditions reviewed by the judge of the court before whom the action against the defendant is pending. Unless the conditions of release are amended and the defendant is thereupon released, the judge shall set forth on the record the reasons for requiring the continuation of the conditions imposed. A defendant who is ordered released on a condition which requires that he or she return to custody after specified hours, upon application, is entitled to a review by the judge of the court before whom the action is pending. Unless the requirement is removed and the defendant thereupon released on another condition, the judge shall set forth on the record the reasons for continuing the requirement.

(2) Violation of the conditions of bail or the bail bond constitutes grounds for the court to increase the amount of bail or otherwise alter the conditions of bail or, if the alleged violation is the commission of a serious crime, revoke bail under this section.

(3) Reasonable notice of petition under sub. (1) by the defendant shall be given to the state.

(4) Reasonable notice of petition under sub. (1) by the state shall be given to the defendant, except as provided in sub. (5).

(5) (a) A court shall proceed under par. (b) if the district attorney alleges to the court and provides the court with documents as follows:

1. Alleges that the defendant is admitted to bail for the alleged commission of a serious crime;

2. Alleges that the defendant has violated the conditions of bail by having committed a serious crime; and

3. Provides a copy of the complaint charging the commission of the serious crime specified in subd. 2.

(b) 1. If the court determines that the state has complied with par. (a), the court may issue a warrant commanding any law enforcement officer to bring the defendant without unnecessary delay before the court. When the defendant is brought before the court, he or she shall be given a copy of the documents specified in par. (a) and informed of his or her rights under s. 970.02 (1) and (6). The court may hold the defendant in custody and suspend the previously imposed bail conditions pending a hearing on the alleged breach. The hearing under this paragraph and the preliminary examination under s. 970.03, if required, shall be a combined hearing, with the court making the separate findings required under this paragraph and s. 970.03 at the conclusion of the combined hearing. The hearing shall be commenced within 7 days from the date the defendant is taken into custody. The defendant may not be held without bail for more than 7 days unless a hearing is held and the findings required by this paragraph are established.

2. At a hearing on the alleged violation the state has the burden of going forward and proving by clear and convincing evidence that the violation occurred while the defendant was admitted to bail. The evidence shall be presented in open court with the right of confrontation, right to call witnesses, right of cross-examination and right to representation by counsel. The rules of evidence applicable in criminal trials govern the admissibility of evidence at the hearing.

3. Upon a finding by the court that the state has established by clear and convincing evidence that the defendant has committed a serious crime while admitted to bail, the court may revoke the bail of the defendant and hold the defendant for trial without bail. No reference may be made during the trial of the offense to the court's finding in the hearing. No reference may be made in the trial to any testimony of the defendant at the hearing, except if the testimony is used for impeachment purposes. If the court does not find that the state has established by clear and convincing evidence that the defendant has committed a serious crime while admitted to bail, the defendant shall be released on bail subject to conditions of bail deemed appropriate by the court.

4. If the bail of any defendant is revoked under subd. 3, the defendant may demand and shall be entitled to be brought to trial on the offense with respect to which he or she was formerly released on bail within 60 days after the date on which he or she appeared before the court under subd. 1. If the defendant is not brought to trial within the 60-day period he or she shall not be held longer without bail and shall be released on bail subject to conditions of bail deemed appropriate by the court. In computing the 60-day period, the court shall omit any period of delay if the court finds that the delay results from a continuance granted at the exclusive request of the defendant.

5. The defendant may petition the court for reinstatement of conditions of bail if any of the circumstances authorizing the revocation of bail is altered. The altered conditions include, but are not limited to, the facts that the original complaint is dismissed, the defendant is found not guilty of that offense or the defendant is found guilty of a crime which is not a serious crime.

(6) If the judge before whom the action is pending, in which a person was admitted to bail, is not available, any other circuit judge of the county may act under this section.

(7) If a person is charged with the commission of a serious crime in a county other than the county in which the person was admitted to bail, the district attorney and court may proceed under sub. (6) and certify the findings to the circuit court for the county in which the person was admitted to bail. That circuit court shall make the bail revocation decision based on the certified findings.

(8) Information stated in, or offered in connection with, any order entered under this chapter setting bail need not conform to the rules of evidence, except as provided under sub. (5) (b) 2.

(9) This section does not limit any other authority of a court to revoke the bail of a defendant.

(10) In this section:

(a) "Commission of a serious crime" includes a solicitation, conspiracy or attempt, under s. 939.30, 939.31 or 939.32, to commit a serious crime.

(b) "Serious crime" means any crime specified in s. 940.01, 940.02, 940.05, 940.06, 940.08, 940.09, 940.19 (2), 940.20, 940.201, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.31, 940.32, 941.20 (2), 941.26, 941.30, 943.01 (2) (c), 943.02, 943.03, 943.04, 943.06, 943.10, 943.30, 943.32, 944.12, 946.01, 946.02, 946.43 or 947.015.

SECTION 11. 970.03 (1) of the statutes is amended to read:

970.03 (1) A preliminary examination is a hearing before a court for the purpose of determining if there is probable cause to believe a felony has been committed by the defendant. A preliminary examination may be held in conjunction with a bail revocation hearing under s. 969.08 (5) (b), but separate findings shall be made by the judge relating to the preliminary examination and to the bail revocation.

SECTION 12. **Study.** The legislative council shall conduct a study of the use of pretrial release, with special attention to the use of bail evaluation units and to the retrieval of information regarding a defendant's pending legal status under the criminal justice system. The legislative council shall report its findings and recommendations to the legislature when it convenes in 1981.

1981 Assembly Bill 947 Date published: **December 19, 1981**

CHAPTER 104, Laws of 1981

AN ACT to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employes Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1981-83 biennium, covering employes in the technical collective bargaining unit, and authorizing an expenditure of funds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. **Agreement ratified.** The legislature ratifies the tentative agreement negotiated for the 1981-83 biennium between the state of Wisconsin, department of employment relations, and the Wisconsin State Employes Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, covering employes in the technical collective bargaining unit under subchapter V of chapter 111 of the statutes, as approved by the employes of the technical collective bargaining unit and approved and recommended by the joint committee on employment relations, and authorizes the expenditure of necessary moneys for implementation from the appropriation made by section 20.865 (1) (cm), (im) and (sm) of the statutes, subject to section 20.865 (intro.) of the statutes. The secretary of employment relations shall file an official copy of the agreement, certified by the cochairpersons of the joint committee on employment relations, with the secretary of state. No formal or informal agreement between the parties which is not a part of the official copy is deemed to be approved by the legislature under this act.

SECTION 2. **Effective date.** This act takes effect on the day following publication, except that those provisions specifically identified as having other effective dates in the agreement covering employes in the technical collective bargaining unit are effective on the dates provided in that agreement.

1981 Senate Bill 683 Date published: **March 31, 1982**

CHAPTER 154, Laws of 1981

AN ACT to repeal and recreate chapter 3 of the statutes, relating to congressional districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 3 of the statutes is repealed and recreated to read:

CHAPTER 3
CONGRESSIONAL DISTRICTS

3.001 Nine congressional districts. Based on the results of the 1980 census of population (statewide total: 4,705,767) and the allocation thereunder of congressional representation to this state, the state is divided into 9 congressional districts as nearly equal in population as practicable. Each such district shall be entitled to elect one representative in the congress of the United States.

3.002 Description of boundaries. Wherever in this chapter territory is described by geographic boundaries, such boundaries follow the conventions set forth in s. 4.002.

3.003 Territory omitted from congressional redistricting. In case any town, village or ward in existence on the effective date of a congressional redistricting act has not been included in any congressional district, such town, village or ward shall be a part of the congressional district by which it is surrounded or, if it falls on the boundary between 2 or more districts, of the adjacent congressional district having the lowest population according to the federal census upon which the redistricting act is based.

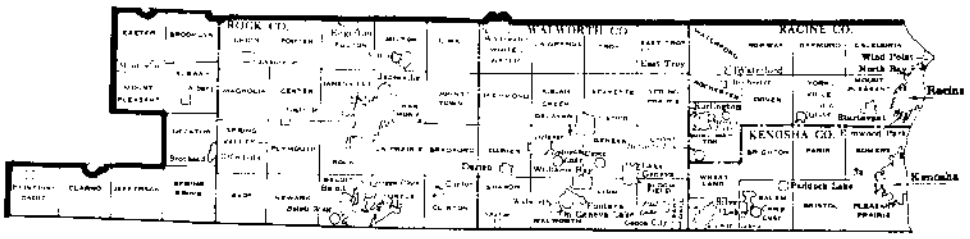
3.01 First district. The following territory shall constitute the first congressional district:

(1) WHOLE COUNTIES. The counties of Kenosha, Racine, Rock and Walworth.

(2) GREEN COUNTY. That part of the county of Green consisting of: a) the towns of Albany, Brooklyn, Cadiz, Clarno, Decatur, Exeter, Jefferson, Mt. Pleasant and Spring Grove; b) the villages of Albany, Browntown and Monticello; and c) the city of Brodhead.

(3) JEFFERSON COUNTY. That part of the county of Jefferson consisting of that part of the city of Whitewater located in the county.

1ST CONGRESSIONAL DISTRICT	
Total 1980 Population.....	522,838
From 1971 Cong.Dist.-1 ...	515,298
From Other Cong. Dist.....	7,540



3.02 Second district. The following territory shall constitute the 2nd congressional district:

(1) WHOLE COUNTIES. The counties of Columbia, Dane, Iowa, Lafayette and Sauk.

(2) ADAMS COUNTY. That part of the county of Adams consisting of the towns of Dell Prairie, New Haven and Springville.

(3) DODGE COUNTY. That part of the county of Dodge consisting of: a) the towns of Beaver Dam, Calamus, Clyman, Elba, Emmet, Fox Lake, Hustisford, Lowell, Oak Grove, Portland, Shields, Trenton and Westford; b) the villages of Clyman, Hustisford, Lowell and Reeseville; c) that part of the village of Randolph located in the county; and d) the cities of Beaver Dam, Fox Lake, Horicon and Juneau.

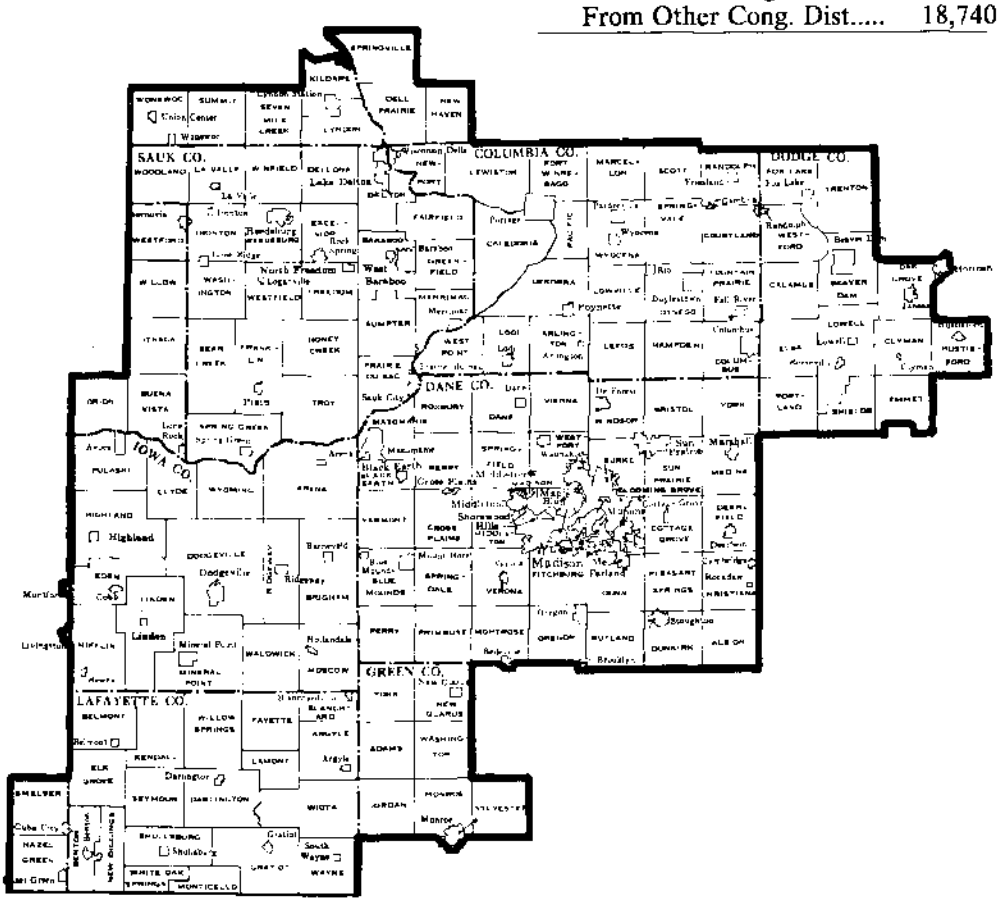
(4) GRANT COUNTY. That part of the county of Grant consisting of: a) the towns of Hazel Green and Smelser; b) that part of the village of Hazel Green located in the county; c) that part of the village of Livingston located in the county; d) that part of the village of Montfort located in the county; and e) that part of the city of Cuba City located in the county.

(5) GREEN COUNTY. That part of the county of Green consisting of: a) the towns of Adams, Jordan, Monroe, New Glarus, Sylvester, Washington and York; b) the village of New Glarus; c) that part of the village of Belleville located in the county; d) that part of the village of Brooklyn located in the county; and e) the city of Monroe.

(6) JUNEAU COUNTY. That part of the county of Juneau consisting of: a) the towns of Kildare, Lyndon, Seven Mile Creek, Summit and Wonewoc; b) the villages of Lyndon Station, Union Center and Wonewoc; and c) that part of the city of Wisconsin Dells located in the county.

(7) RICHLAND COUNTY. That part of the county of Richland consisting of: a) the towns of Buena Vista, Ithaca, Orion, Westford and Willow; b) the village of Lone Rock; and c) that part of the village of Cazenovia located in the county.

2ND CONGRESSIONAL DISTRICT	
Total 1980 Population.....	523,011
From 1971 Cong.Dist.-2...	504,271
From Other Cong. Dist.....	18,740



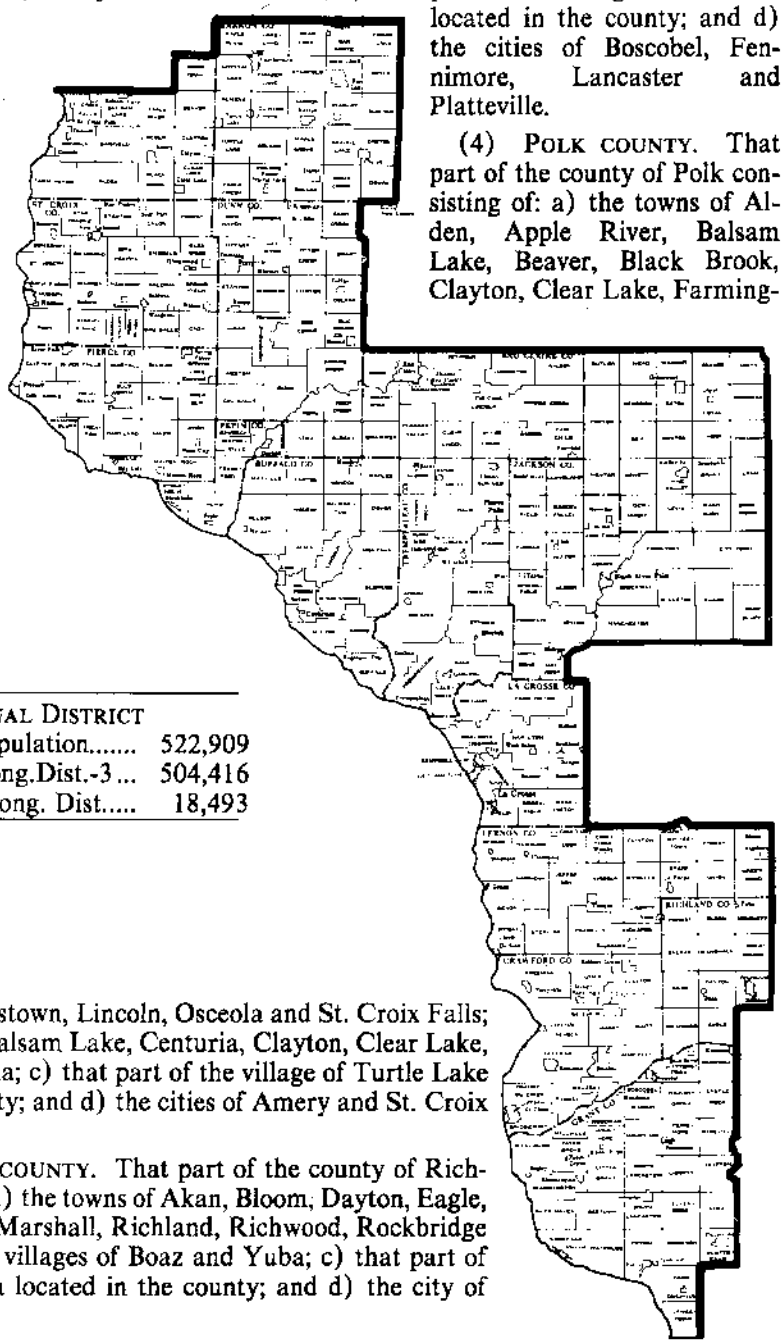
3.03 Third district. The following territory shall constitute the 3rd congressional district:

(1) WHOLE COUNTIES. The counties of Barron, Buffalo, Crawford, Dunn, Eau Claire, Jackson, La Crosse, Pepin, Pierce, St. Croix, Trempealeau and Vernon.

(2) CLARK COUNTY. That part of the county of Clark consisting of: a) the towns of Beaver, Butler, Dewhurst, Eaton, Foster, Fremont, Grant, Hendren, Hewett, Levis, Loyal, Lynn, Mead, Mentor, Pine Valley, Seif, Sherman, Sherwood, Unity, Warner, Washburn, Weston and York; b) the village of Granton; and c) the cities of Greenwood, Loyal and Neillsville.

(3) GRANT COUNTY. That part of the county of Grant consisting of: a) the towns of Beetown, Bloomington, Boscobel, Cassville, Castle Rock, Clifton, Ellenboro, Fennimore, Glen Haven, Harrison, Hickory Grove, Jamestown, Liberty, Lima, Little Grant, Marion, Millville, Mt. Hope, Mt. Ida, Muscoda, North Lancaster, Paris, Patch Grove, Platteville, Potosi, South Lancaster, Waterloo, Watterstown, Wingville, Woodman and Wyalusing; b) the villages of Bagley, Bloomington, Blue River, Cassville, Dickeyville, Mt. Hope, Patch Grove, Potosi, Tennyson and Woodman; c) that part of the village of Muscoda located in the county; and d) the cities of Boscobel, Fennimore, Lancaster and Platteville.

(4) POLK COUNTY. That part of the county of Polk consisting of: a) the towns of Alden, Apple River, Balsam Lake, Beaver, Black Brook, Clayton, Clear Lake, Farming-



3RD CONGRESSIONAL DISTRICT	
Total 1980 Population.....	522,909
From 1971 Cong.Dist.-3...	504,416
From Other Cong. Dist.....	18,493

ton, Garfield, Johnstown, Lincoln, Osceola and St. Croix Falls; b) the villages of Balsam Lake, Centuria, Clayton, Clear Lake, Dresser and Osceola; c) that part of the village of Turtle Lake located in the county; and d) the cities of Amery and St. Croix Falls.

(5) RICHLAND COUNTY. That part of the county of Richland consisting of: a) the towns of Akan, Bloom, Dayton, Eagle, Forest, Henrietta, Marshall, Richland, Richwood, Rockbridge and Sylvan; b) the villages of Boaz and Yuba; c) that part of the village of Viola located in the county; and d) the city of Richland Center.

3.04 Fourth district. The following territory shall constitute the 4th congressional district:

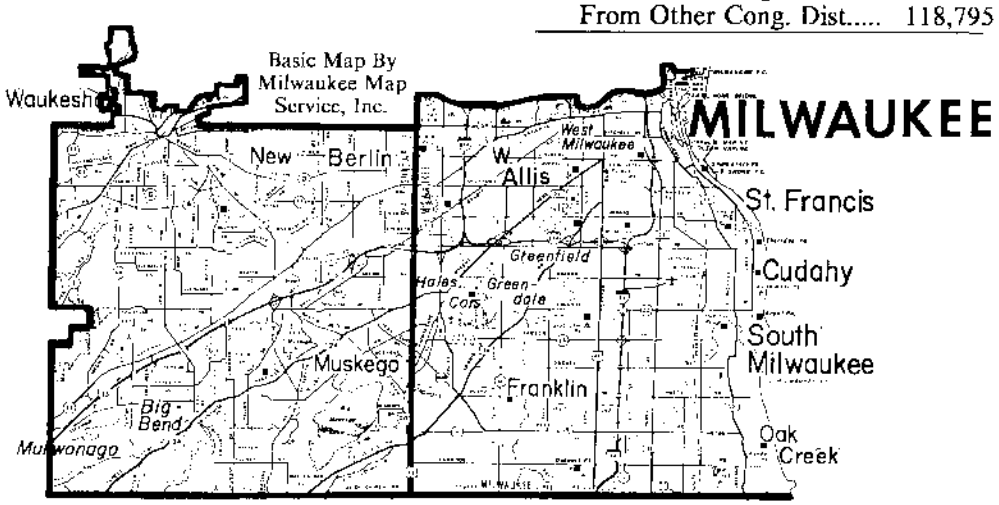
(1) MILWAUKEE COUNTY. That part of the county of Milwaukee consisting of:

(a) *Whole municipalities.* 1) The villages of Greendale, Hales Corners and West Milwaukee; and 2) the cities of Cudahy, Franklin, Greenfield, Oak Creek, St. Francis, South Milwaukee and West Allis.

(b) *City of Milwaukee.* That part of the city of Milwaukee lying south of a line commencing where the East-West freeway (highway I 94) intersects the western city limits; thence easterly on highway I 94, downriver along the Menomonee river, upriver along the Milwaukee river, east on E. Juneau avenue, south on N. Van Buren street, east on E. State street, south on N. Cass street, and easterly on E. Kilbourn avenue and E. Kilbourn avenue extended to Lake Michigan.

(2) WAUKESHA COUNTY. That part of the county of Waukesha consisting of: a) the towns of Vernon and Waukesha; b) the village of Big Bend; c) the cities of Muskego and New Berlin; and d) that part of the city of Waukesha lying south of a line commencing where the right-of-way of the M.St.P. & S.S.M. railroad intersects the northern city limits; thence southerly along the right-of-way of the M.St.P. & S.S.M. railroad, easterly on Moreland boulevard, north on Murray avenue, east on Catherine street, north on Highland avenue, easterly on Josephine street, northerly on Cardinal drive, east on Atlantic drive, and northeasterly on Empire drive and Wolf road to the northern city limits.

4TH CONGRESSIONAL DISTRICT	
Total 1980 Population.....	522,880
From 1971 Cong.Dist.-4...	404,085
From Other Cong. Dist.....	118,795



3.05 Fifth district. The following territory shall constitute the 5th congressional district:

(1) MILWAUKEE COUNTY. That part of the county of Milwaukee consisting of:

(a) *Whole municipalities.* 1) The villages of Brown Deer and Shorewood; and 2) the cities of Glendale and Wauwatosa.

(b) *City of Milwaukee.* That part of the city of Milwaukee, located in the county, lying north of a line commencing where the East-West freeway (highway I 94) intersects the western city limits; thence easterly on highway I 94, downriver along the Menomonee

river, upriver along the Milwaukee river, east on E. Juneau avenue, south on N. Van Buren street, east on E. State street, south on N. Cass street, and easterly on E. Kilbourn avenue and E. Kilbourn avenue extended to Lake Michigan.

(2) WASHINGTON COUNTY. That part of the county of Washington consisting of that part of the city of Milwaukee located in the county.

5TH CONGRESSIONAL DISTRICT	
Total 1980 Population.....	522,854
From 1971 Cong.Dist.-5...	429,900
From Other Cong. Dist.....	92,954

3.06 Sixth district. The following territory shall constitute the 6th congressional district:

(1) WHOLE COUNTIES. The counties of Calumet, Green Lake, Manitowoc, Marquette, Monroe, Waushara and Winnebago.

[Chap. 155, Laws of 1981, inserts: "*Waupaca*"]

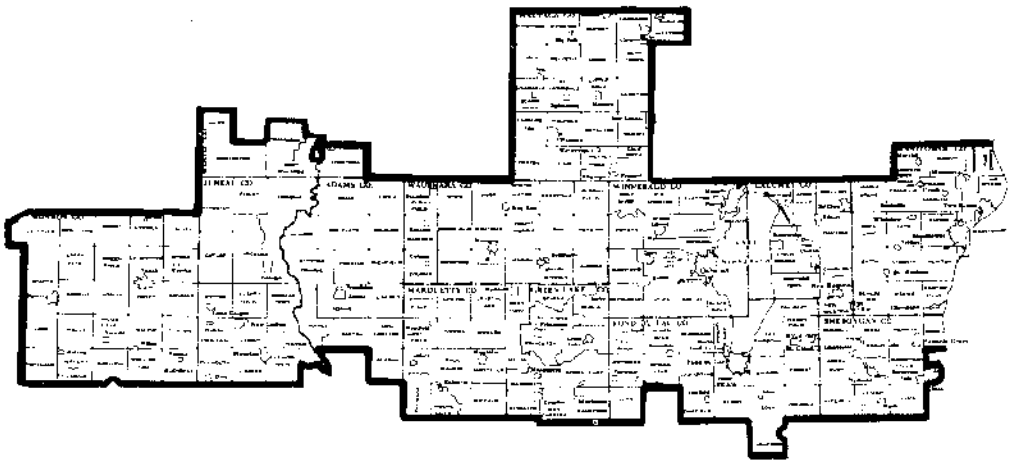
(2) ADAMS COUNTY. That part of the county of Adams consisting of: a) the towns of Adams, Big Flats, Colburn, Easton, Jackson, Leola, Lincoln, Monroe, New Chester, Preston, Quincy, Richfield, Rome and Strongs Prairie; b) the village of Friendship; and c) the city of Adams.

(3) BROWN COUNTY. That part of the county of Brown consisting of the town of Morrison.

[Chap. 155, Laws of 1981, repeals this subsection]

6TH CONGRESSIONAL DISTRICT
[As aff. by Chap. 155, Laws of 1981]

Total 1980 Population.....	522,477
From 1971 Cong. Dist.-6..	442,566
From Other Cong. Dist.....	79,911



(4) FOND DU LAC COUNTY. That part of the county of Fond du Lac consisting of: a) the towns of Alto, Ashford, Byron, Calumet, Eden, Eldorado, Empire, Fond du Lac, Forest, Friendship, Lamartine, Marshfield, Metomen, Oakfield, Osceola, Ripon, Rosendale, Springvale and Taycheedah; b) the villages of Brandon, Eden, Fairwater, Mt. Calvary, North Fond du Lac, Oakfield, Rosendale and St. Cloud; and c) the cities of Fond du Lac and Ripon.

[Chap. 155, Laws of 1981, renumbers this subsection to be "*(3)*"]

(5) JUNEAU COUNTY. That part of the county of Juneau consisting of: a) the towns of Armenia, Clearfield, Cutler, Finley, Fountain, Germantown, Kingston, Lemonweir, Lindina, Lisbon, Marion, Necedah, Orange and Plymouth; b) the villages of Camp Douglas, Hustler and Necedah; and c) the cities of Elroy, Mauston and New Lisbon.

[Chap. 155, Laws of 1981, renumbers this subsection to be "*(4)*"]

(6) SHEBOYGAN COUNTY. That part of the county of Sheboygan consisting of: a) the towns of Greenbush, Herman, Lima, Lyndon, Mitchell, Mosel, Plymouth, Rhine, Russell and Sheboygan Falls; b) the villages of Cascade, Elkhart Lake, Glenbeulah, Howards Grove, Kohler and Waldo; and c) the cities of Plymouth and Sheboygan Falls.

[Chap. 155, Laws of 1981, renumbers this subsection to be "*(5)*"]

(7) WAUPACA COUNTY. That part of the county of Waupaca consisting of: a) the towns of Bear Creek, Caledonia, Dayton, Dupont, Farmington, Fremont, Harrison, Helvetia, Iola, Larrabee, Lebanon, Lind, Little Wolf, Mukwa, Royalton, St. Lawrence, Scandinavia, Union, Waupaca, Weyauwega and Wyoming; b) the villages of Big Falls, Fremont, Iola, Ogdensburg and Scandinavia; c) the cities of Clintonville, Manawa, Marion, Waupaca and Weyauwega; and d) that part of the city of New London located in the county.

[Chap. 155, Laws of 1981, repeals this subsection]

(8) WOOD COUNTY. That part of the county of Wood consisting of the towns of Cranmoor, Hiles, Port Edwards, Remington and Saratoga.

[Chap. 155, Laws of 1981, renumbers this subsection to be "*(6)*"]

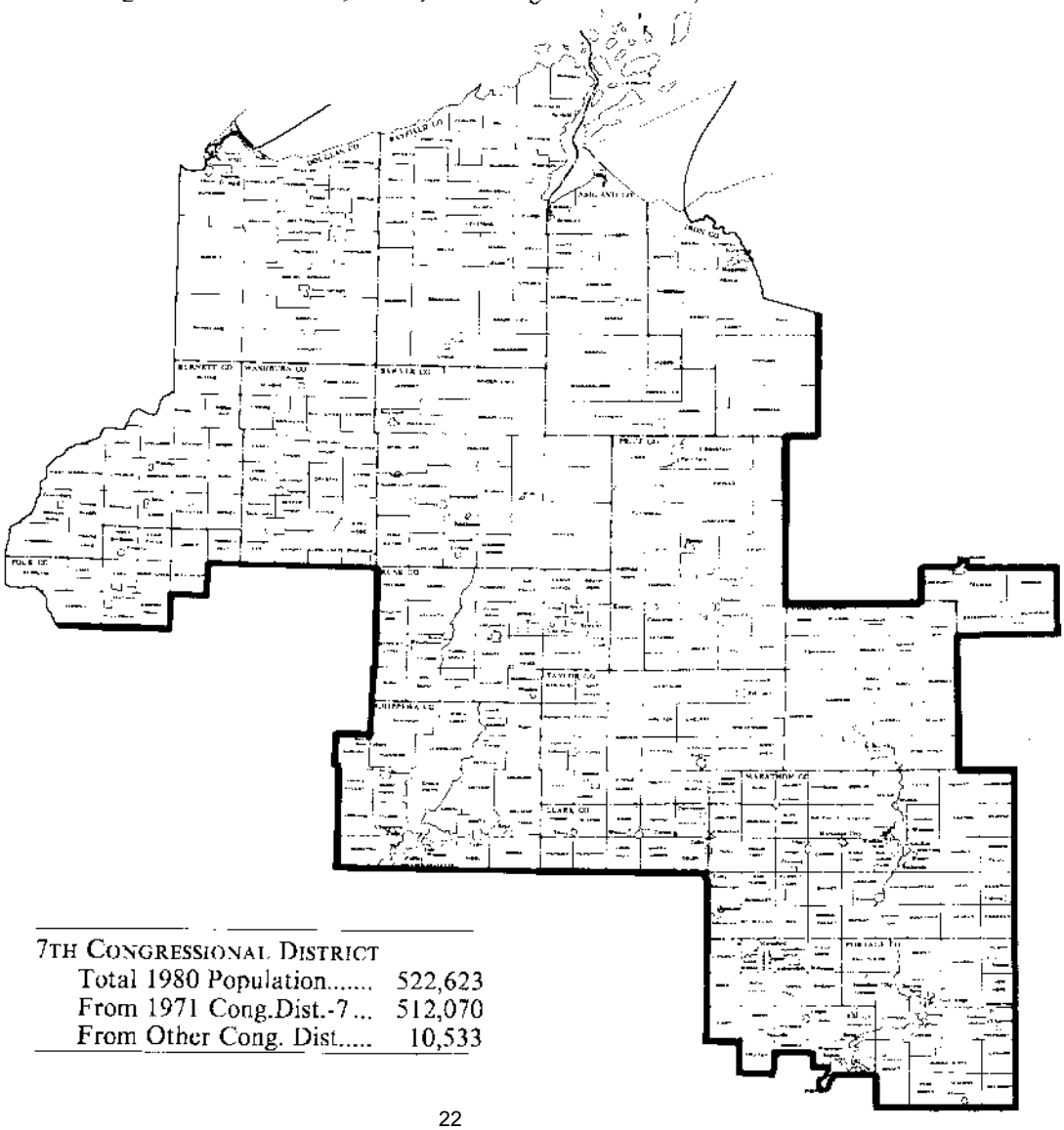
3.07 Seventh district. The following territory shall constitute the 7th congressional district:

(1) WHOLE COUNTIES. The counties of Ashland, Bayfield, Burnett, Chippewa, Douglas, Iron, Lincoln, Marathon, Portage, Price, Rusk, Sawyer, Taylor and Washburn.

(2) CLARK COUNTY. That part of the county of Clark consisting of: a) the towns of Colby, Green Grove, Hixon, Hoard, Longwood, Mayville, Reseburg, Thorp, Withee and Worden; b) the villages of Curtiss, Dorchester and Withee; c) that part of the village of Unity located in the county; d) the cities of Owen and Thorp; e) that part of the city of Abbotsford located in the county; and f) that part of the city of Colby located in the county.

(3) ONEIDA COUNTY. That part of the county of Oneida consisting of: a) the towns of Crescent, Enterprise, Monico, Pelican and Schoepke; and b) the city of Rhinelander.

(4) POLK COUNTY. That part of the county of Polk consisting of: a) the towns of Bone Lake, Clam Falls, Eureka, Georgetown, Laketown, Lorain, Luck, McKinley, Milltown, Sterling and West Sweden; and b) the villages of Frederic, Luck and Milltown.



7TH CONGRESSIONAL DISTRICT	
Total 1980 Population.....	522,623
From 1971 Cong.Dist.-7...	512,070
From Other Cong. Dist.....	10,533

(5) WOOD COUNTY. That part of the county of Wood consisting of: a) the towns of Arpin, Auburndale, Cameron, Cary, Dexter, Grand Rapids, Hansen, Lincoln, Marshfield, Milladore, Richfield, Rock, Rudolph, Seneca, Sherry, Sigel and Wood; b) the villages of Arpin, Auburndale, Biron, Hewitt, Port Edwards, Rudolph and Vesper; c) that part of the village of Milladore located in the county; d) the cities of Nekoosa, Pittsville and Wisconsin Rapids; and e) that part of the city of Marshfield located in the county.

3.08 Eighth district. The following territory shall constitute the 8th congressional district:

(1) WHOLE COUNTIES. The counties of Door, Florence, Forest, Kewaunee, Langlade, Marinette, Menominee, Oconto, Outagamie, Shawano and Vilas.

[Chap. 155, Laws of 1981, inserts: "*Brown*"]

(2) BROWN COUNTY. That part of the county of Brown consisting of: a) the towns of Allouez, Bellevue, De Pere, Eaton, Glenmore, Green Bay, Hobart, Holland, Humboldt, Lawrence, New Denmark, Pittsfield, Rockland, Scott, Suamico and Wrightstown; b) the villages of Ashwaubenon, Denmark, Howard, Pulaski and Wrightstown; and c) the cities of De Pere and Green Bay.

[Chap. 155, Laws of 1981, repeals this subsection]

(3) ONEIDA COUNTY. That part of the county of Oneida consisting of the towns of Cassian, Hazelhurst, Lake Tomahawk, Little Rice, Lynne, Minocqua, Newbold, Nokomis, Piehl, Pine Lake, Stella, Sugar Camp, Three Lakes, Woodboro and Woodruff.

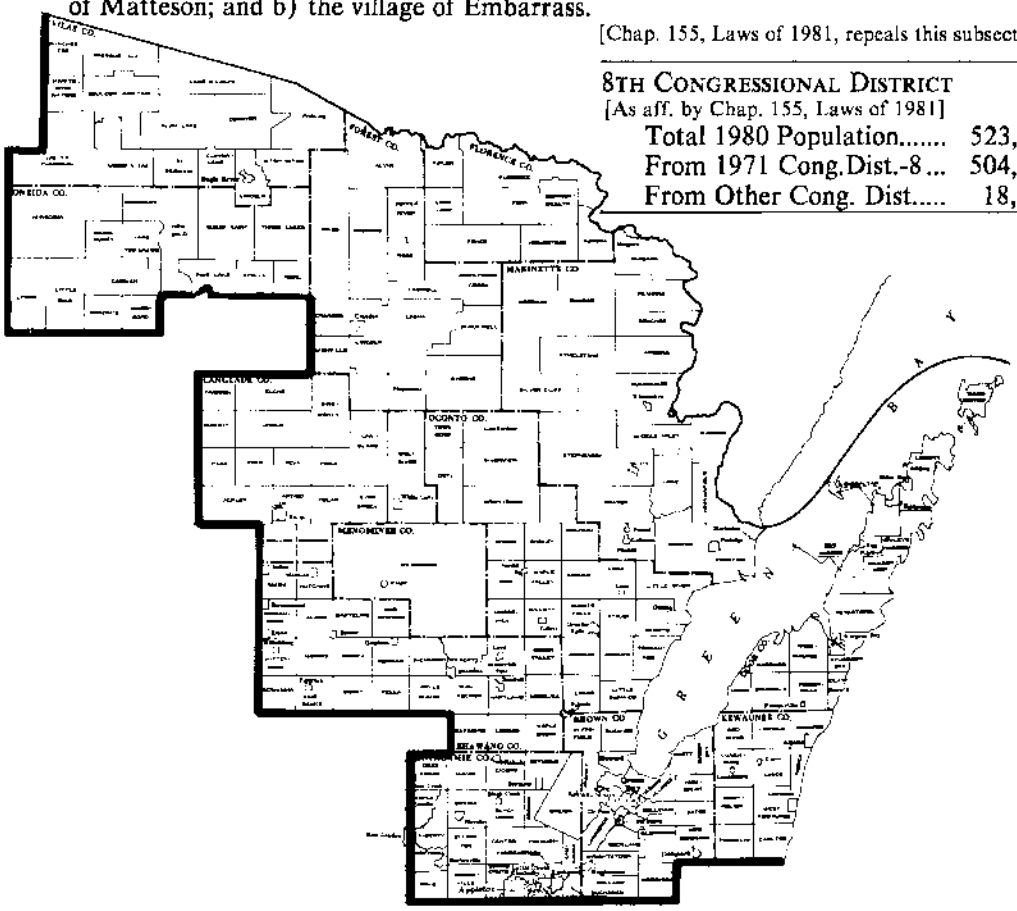
[Chap. 155, Laws of 1981, renumbers this subsection to be "*(2)*"]

(4) WAUPACA COUNTY. That part of the county of Waupaca consisting of: a) the town of Matteson; and b) the village of Embarrass.

[Chap. 155, Laws of 1981, repeals this subsection]

8TH CONGRESSIONAL DISTRICT
[As aff. by Chap. 155, Laws of 1981]

Total 1980 Population.....	523,225
From 1971 Cong.Dist.-8...	504,373
From Other Cong. Dist.....	18,852



3.09 Ninth district. The following territory shall constitute the 9th congressional district:

(1) WHOLE COUNTY. The county of Ozaukee.

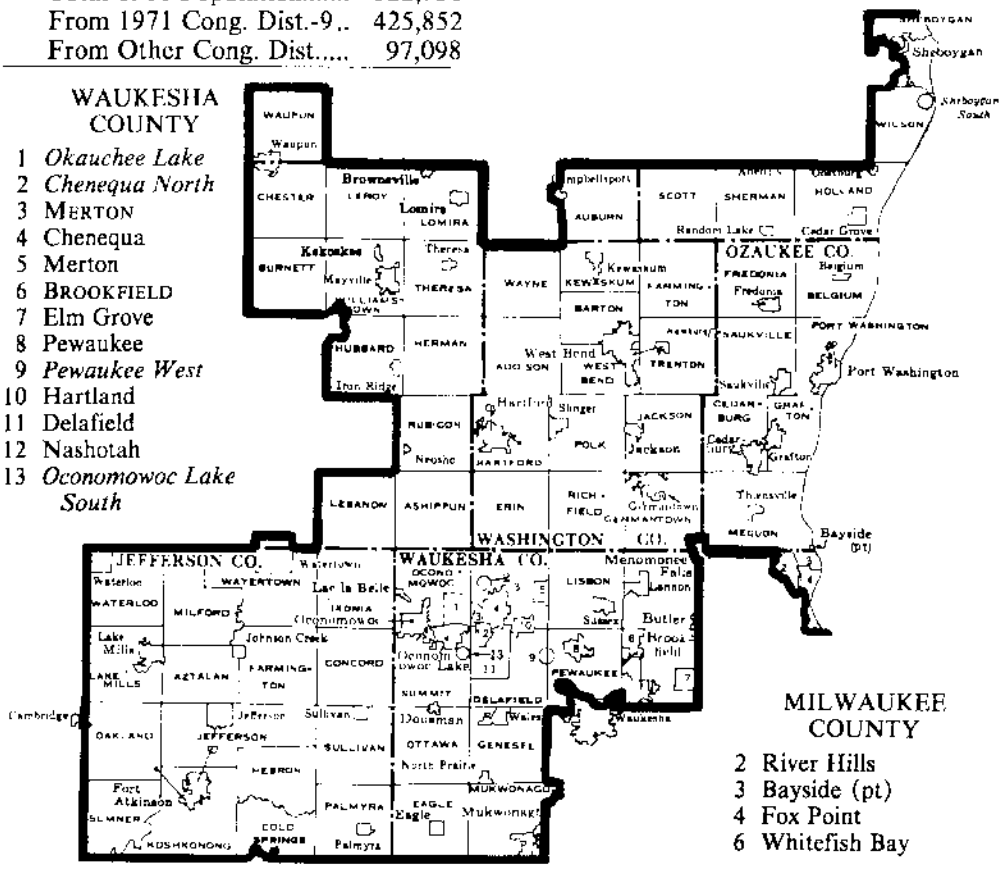
(2) DODGE COUNTY. That part of the county of Dodge consisting of: a) the towns of Ashippun, Burnett, Chester, Herman, Hubbard, Lebanon, LeRoy, Lomira, Rubicon, Theresa and Williamstown; b) the villages of Brownsville, Iron Ridge, Kekoskee, Lomira, Neosho and Theresa; c) the city of Mayville; d) that part of the city of Watertown located in the county; and e) that part of the city of Waupun located in the county.

(3) FOND DU LAC COUNTY. That part of the county of Fond du Lac consisting of: a) the towns of Auburn and Waupun; b) the village of Campbellsport; and c) that part of the city of Waupun located in the county.

(4) JEFFERSON COUNTY. That part of the county of Jefferson consisting of: a) the towns of Aztalan, Cold Spring, Concord, Farmington, Hebron, Ixonia, Jefferson, Koshkonong, Lake Mills, Milford, Oakland, Palmyra, Sullivan, Sumner, Waterloo and Watertown; b) the villages of Johnson Creek, Palmyra and Sullivan; c) that part of the village of Cambridge located in the county; d) the cities of Fort Atkinson, Jefferson, Lake Mills and Waterloo; and e) that part of the city of Watertown located in the county.

(5) MILWAUKEE COUNTY. That part of the county of Milwaukee consisting of: a) the villages of Fox Point, River Hills and Whitefish Bay; and b) that part of the village of Bayside located in the county.

9TH CONGRESSIONAL DISTRICT	
Total 1980 Population.....	522,950
From 1971 Cong. Dist.-9..	425,852
From Other Cong. Dist.....	97,098



(6) SHEBOYGAN COUNTY. That part of the county of Sheboygan consisting of: a) the towns of Holland, Scott, Sheboygan, Sherman and Wilson; b) the villages of Adell, Cedar Grove, Oostburg and Random Lake; and c) the city of Sheboygan.

(7) WASHINGTON COUNTY. That part of the county of Washington consisting of: a) the towns of Addison, Barton, Erin, Farmington, Germantown, Hartford, Jackson, Kewaskum, Polk, Richfield, Trenton, Wayne and West Bend; b) the villages of Germantown, Jackson, Kewaskum and Slinger; c) that part of the village of Newburg located in the county; and d) the cities of Hartford and West Bend.

(8) WAUKESHA COUNTY. That part of the county of Waukesha consisting of: a) the towns of Brookfield, Delafield, Eagle, Genesee, Lisbon, Merton, Mukwonago, Oconomowoc, Ottawa, Pewaukee and Summit; b) the villages of Butler, Chenequa, Dousman, Eagle, Elm Grove, Hartland, Lac La Belle, Lannon, Menomonee Falls, Merton, Mukwonago, Nashotah, North Prairie, Oconomowoc Lake, Pewaukee, Sussex and Wales; c) the cities of Brookfield, Delafield and Oconomowoc; and d) that part of the city of Waukesha lying north of a line commencing where the right-of-way of the M.St.P. & S.S.M. railroad intersects the northern city limits; thence southerly along the right-of-way of the M.St.P. & S.S.M. railroad, easterly on Moreland boulevard, north on Murray avenue, east on Catherine street, north on Highland avenue, easterly on Josephine street, northerly on Cardinal drive, east on Atlantic drive, and northeasterly on Empire drive and Wolf road to the northern city limits.

SECTION 2. **Maps to be printed.** In enrolling this act for submission to the governor and for printing as a slip law, and in preparing this act for publication in the bound volumes of the session laws the legislative reference bureau shall, and in preparing this act for incorporation into the statutes the revisor of statutes shall, in cooperation with the department of administration procure suitable maps to illustrate the configuration of each congressional district as affected by this act.

SECTION 3. **Effective date.** This act shall first apply to the regular 1982 September primary and November general election for members of the United States congress from this state.

For statistics, see: **Chapter 155**, *Laws of 1981.*

1987 Senate Bill 587

Date of enactment: **April 23, 1988**
Date of publication: **May 2, 1988**

1987 Wisconsin Act 382

AN ACT *to amend* 7.21 (2), 17.12 (1) (intro.), 17.12 (1) (c), 63.30, 66.146 (1) (a) and 66.80 (2); and *to create* 63.235 of the statutes; and *to affect* 1987 Wisconsin Act 289, section 10, *relating to* mayoral appointments, certain public offices, and recruitment and hiring of certain employes in 1st class city school systems.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 7.21 (2) of the statutes is amended to read:

7.21 (2) The county board of election commissioners may hire an executive director who shall perform whatever duties the board assigns to him. ~~The common council for cities and the~~ or her. The county board ~~for counties~~ shall determine the salary. ~~If the same person serves as executive director for both a city and county board of election commissioners, he shall receive only one salary, the city and county each paying half~~ of that executive director. Appointment and removal of that executive director shall be subject to civil service standards. An executive director of the city board of election commissioners shall be appointed under s. 66.146.

SECTION 2. 17.12 (1) (intro.) of the statutes is amended to read:

17.12 (1) GENERAL AND SPECIAL CHARTER. (intro.) Officers of cities, except public officials, as defined in s. 66.146 (1) (b), operating under the general law or under special charter including school officers, may be removed as follows:

SECTION 3. 17.12 (1) (c) of the statutes is amended to read:

17.12 (1) (c) *Appointive.* Appointive officers, by whomsoever appointed, by the common council, for cause, except officers appointed by the council who may be removed by that body, at pleasure. Officers appointed by any other officer or body without confirmation or concurrence by the council, by the officer or body that appointed them, at pleasure~~, except commissioners of election in cities of the first class who may be removed by the mayor for cause only, and any such commissioner may appeal to the common council within 10 days after removal~~. The council may conduct a hearing thereon by a committee which committee shall proceed in such manner as may be determined by it and make full report to the council, which shall determine the question upon such appeal.

SECTION 4. 63.235 of the statutes is created to read:

63.235 Delegation to board of school directors. In a 1st class city, the city service commission may delegate its recruitment and hiring duties related to specified classifications of school employes to the board of school directors.

SECTION 5. 63.30 of the statutes is amended to read:

63.30 Personnel director; selection, duties. ~~In a city of the first class, the~~ The board of city service commissioners shall select a city personnel director under and pursuant to the civil service law applicable to ~~such~~ the city. ~~He~~ The city personnel director shall be secretary of the board and its chief executive and administrative officer, and ~~he~~ shall, subject to its direction and control, administer the city civil service law and rules and the personnel statutes and ordinances governing city service employment, direct and coordinate the work and staff of the board, act as liaison officer between the board and the several departments, bureaus, boards and commissions and perform such other duties as the board may direct. This section does not apply to the personnel director in a 1st class city, who shall be appointed under s. 66.146.

SECTION 6. 66.146 (1) (a) of the statutes, as created by 1987 Wisconsin Act 289, is amended to read:

66.146 (1) (a) "Public office" means the following positions or their equivalent: city engineer; city purchasing agent; commissioner of building inspection, of city development, of health or of public works; director of budget and management, of community development agency, of office of telecommunications, or of safety; emergency government coordinator; employe benefits administrator; executive director of the com-

mission on community relations; harbor commissioner; tax commissioner; director of liaison; city personnel director; executive director of the retirement board; executive director of the city board of election commissioners; city librarian; city labor negotiator; executive secretary of the board of fire and police commissioners; and supervisor of the central electronics board.

SECTION 7. 66.80 (2) of the statutes is amended to read:

66.80 (2) Upon approval by a majority vote of the members of the common council of such city the common council shall create a retirement board, the members of which shall serve without compensation, which board shall have full power and authority to administer such annuity and benefit fund, and to make such rules and regulations under which all participants shall contribute to and receive benefits from such fund. Three members of the retirement board shall be city employes elected by the members of the retirement system and shall serve 4-year terms and 5 members shall be appointed under s. 66.146 and shall serve 3-year terms. The common council may provide for contribution by the city to such annuity and benefit fund. The executive director of the retirement board shall be appointed under s. 66.146.

SECTION 8. 1987 Wisconsin Act 289, section 10 is repealed.

SECTION 9. **Initial applicability.** The treatment of section 66.80 (2) of the statutes which requires the appointment of 5 members of the retirement board under section 66.146 of the statutes, as affected by this act, first applies to a position on the retirement board which is not filled on the effective date of this SECTION by a member elected by the members of the retirement system and which is vacated after the effective date of this SECTION.

1987 Senate Bill 601

Date of enactment: **July 21, 1988**
Date of publication: **August 1, 1988**

1987 Wisconsin Act 422
(Vetoed in Part)

AN ACT ~~*to repeal* 71.09 (12fd) and 71.65 (1) (L) and (2) (g);~~ *to amend* 71.65 (1) (L) and (2) (g); and *to create* 20.835 (2) (d) and 71.09 (12fd) of the statutes, *relating to* a farmers' drought property tax credit and making an appropriation. **Vetoed in Part**

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.835 (2) (d) of the statutes is created to read:

20.835 (2) (d) *Farmers' drought property tax credit.* A sum sufficient to pay the claims under s. 71.09 (12fd).

SECTION 2. 71.09 (12fd) of the statutes is created to read:

71.09 (12fd) FARMERS' DROUGHT PROPERTY TAX CREDIT. (a) *Credit.* Except as provided in par. (b), if the director of the agriculture stabilization and conservation service certifies on or before October 1, 1988, that at least 40% of the crops in this state have been lost, for taxable year 1988 any claimant may credit against taxes otherwise due under this chapter an amount equal to 10% of the property taxes exclusive of special assessments, delinquent interest and charges for service, up to $10,000, paid on that claimant's farm for the year for which the claim under this subsection is made. In this subsection, "farmland" means 35 or more acres of real property in this state owned by the claimant or any member of the claimant's household during the income year for which a credit under this subsection is claimed if the farmland, during that year, produced not less than $6,000 in gross farm profits resulting from the farmland's agricultural use, as defined in s. 91.01 (1), or if the farmland, during that year and the 2 years immediately preceding that year, produced not less than $18,000 in such profits. In deciding who is a claimant under this subsection, the department of revenue shall be guided by sub. (11) (a) 1. a to g. **Vetoed in Part** **Vetoed in Part** **Vetoed in Part** **Vetoed in Part** **Vetoed in Part**

(b) *Limit.* The credit under this subsection plus the credit under sub. (11) may not exceed 95% of the property taxes on the farm.

(c) *Form.* No claim under this subsection may be allowed unless the claimant completes a form prescribed by the department of revenue and submits that form with the claimant's income or franchise tax return and within 12 months following the close of the income year in which the property taxes accrued.

(d) *Payment.* If the allowable amount of the claim under this subsection exceeds the income or franchise taxes otherwise due on or measured by the claimant's income or if there are no income or franchise taxes due on or measured by the claimant's income, the amount of the claim not used as an offset against those taxes shall be certified by the department of revenue to the department of administration for payment to the claimant by check, share draft or other draft drawn on the general fund. No interest may be allowed on any payment under this subsection.

(e) *Administration.* Subsection (12r) (j), as it applies to the credit under sub. (12r), applies to the credit under this subsection.

~~SECTION 3. 71.09 (12fd) of the statutes, as created by 1987 Wisconsin Act ... (this act), is repealed.~~ **Vetoed in Part**

SECTION 4. 71.65 (1) (L) and (2) (g) of the statutes are amended to read:

71.65 (1) (L) The total of farmland preservation credit under s. 71.09 (11), homestead credit under s. 71.09 (7), farmers' drought property tax credit under s. 71.09 (12fd), estimated tax payments under s. 71.21 and taxes withheld under s. 71.19.

(2) (g) The total of farmers' drought property tax credit under s. 71.09 (12fd), farmland preservation credit under s. 71.09 (11) and estimated tax payments under s. 71.22.

~~SECTION 5. 71.65 (1) (L) and (2) (g) of the statutes, as affected by 1987 Wisconsin Act ... (this act), are repealed.~~ **Vetoed in Part**

~~SECTION 6. **Effective dates.** This act takes effect on the day after publication, except as follows:~~

~~(1) The repeal of sections 71.09 (12fd) and 71.65 (1) (L) and (2) (g) of the statutes takes effect on July 1, 1989.~~

October 1989 Spec. Sess.
Assembly Bill 25

Date of enactment: **June 8, 1990**
Date of publication: **June 22, 1990**

1989 Wisconsin Act 366
(Vetoed in Part)

AN ACT *to repeal* 25.17 (1) (aw), 144.241 (4) (title), 144.241 (4) (b) (intro.) and 4, 144.241 (15) (d), 144.241 (17), 144.241 (20) (c) and 144.241 (20) (d); *to renumber* 18.16 (2), 18.64 (2), 18.77 (2), 20.370 (4) (jq), 144.241 (1) (a) and 144.241 (20) (title); *to renumber and amend* 20.370 (4) (cq), 20.370 (4) (cr), 20.370 (4) (cs), 20.370 (4) (jr), 20.370 (4) (ka), 20.370 (4) (ma), 25.18 (1) (n), 144.241 (4) (a), 144.241 (4) (b) 1, 2, 3, 5, 6 and 7, 144.241 (5) (title) and (a) to (g), 144.241 (13) (a), 144.241 (14) (a), 144.241 (14) (b) 2 and 3, 144.241 (15) (a), 144.241 (16), 144.241 (19) and 144.241 (20) (a) and (b); *to amend* 13.48 (26), 13.90 (title), 18.06 (4), [illegible] 18.57 (3), 20.370 (2) (mt) and (mx), 20.370 (4) (ix), 20.370 (4) (jc), 20.536 (1) (ka), 20.866 (intro.), 20.866 (1) (u), 20.866 (2) (tc), 20.866 (2) (tn), 25.43 (1) (c), (f) and (g), 25.43 (2) (c), 25.43 (3), 66.33 (5), 66.894 (14) (d) 3, 67.10 (1) and (5) (a), 67.12 (1) (b), 67.12 (12) (a), 144.025 (2) (s), [illegible] 144.24 (6) (a), 144.24 (7) (c) 3, 144.24 (9m) (a), 144.241 (title), 144.241 (3), 144.241 (6) (title), 144.241 (6) (a) (intro.), 144.241 (6) (b) 1, 2 and 6, 144.241 (7) (a), 144.241 (7) (b) (intro.), 144.241 (7) (b) 6, 144.241 (8) (a) (intro.), 144.241 (8) (a) 4. a and b and 5, 144.241 (8) (b), 144.241 (8) (c), 144.241 (8) (d), 144.241 (8) (f), 144.241 (8) (g), 144.241 (8) (h), 144.241 (8) (i) and (j), 144.241 (9) (a) to (d), 144.241 (10) (a) 1, (b), (d) and (e), 144.241 (10) (f), 144.241 (11) (c) and (d), 144.241 (13) (c), (e) and (f), 144.241 (14) (b) (intro.), 144.241 (14) (b) 8, 144.241 (15) (b) and (c), 144.25 (4) (cm), 147.26 (2) (intro.) and 147.30 (2); *to repeal and recreate* 144.241 (12) and 144.241 (13) (b); and *to create* 13.101 (11), 13.90 (5), 18.06 (9), 18.16 (2) to (5) and (7), 18.64 (2) to (5) and (7), 18.77 (2) to (5) and (7), 20.320 (intro.) and (1) [illegible] 20.370 (2) (me), 20.370 (4) (de), 20.370 (4) (iz), 20.370 (4) (je), 20.505 (1) (v) and (x), 20.866 (2) (tb), 25.17 (2) (d), 25.43 (1) (i), 66.36, 66.91 (6m), 144.0255, [illegible] 144.24 (7) (c) 4, 144.241 (1) (a) and (cg), 144.241 (2m), 144.241 (3m), 144.241 (6) (a) 4, 144.241 (7) (b) 3,

Vetoed in Part

Vetoed in Part

Vetoed in Part

144.241 (7) (b) 7, 144.241 (8) (k), (L) and (m), 144.241 (13) (a) 1 and 2, 144.241 (13) (am), 144.241 (13) (bm), 144.241 (15) (a) 3, 144.241 (15) (c), 144.241 (22), 144.241 (23) and 144.2415 of the statutes, *relating to* division of clean water fund powers and duties, types of available financial assistance under the clean water fund, responsibilities for investment of the clean water fund, authorizing levels of funding for the issuance of clean water fund bonds, point source pollution abatement grants, shoreland protection projects, compensation for well contamination, Milwaukee river watershed identification, changes to municipal finance law, minority investment firms, granting rule-making authority and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.101 (11) of the statutes is created to read:

13.101 (11) The committee may approve a clean water fund interest rate change as specified under s. 144.241 (12) (f).

SECTION 2. 13.48 (26) of the statutes is amended to read:

13.48 (26) (title) CLEAN WATER BIENNIAL FINANCE PLAN APPROVAL. The building commission shall review the ~~annual~~ versions of the biennial finance plan submitted to it by the department of natural resources and the department of administration under s. ~~144.241 (4)~~ 144.2415 (3) (bm) and the recommendations of the joint committee on finance and the standing committees to which the ~~annual~~ versions of the biennial finance plan ~~was~~ were submitted under s. ~~144.241 (4) (a)~~ 144.2415 (3) (bm). The building commission shall consider the extent to which ~~the annual~~ that version of the biennial finance plan that is updated to reflect the adopted biennial budget act will maintain the clean water fund in perpetuity, maintain the purchasing power of the clean water fund, meet the requirements of ~~s.~~ ss. 144.241 and 144.2415 to provide financial assistance for water quality pollution abatement needs and nonpoint source water pollution management needs, and provide a stable and sustainable annual level of financial assistance under ~~s.~~ ss. 144.241 and 144.2415 proportional to the state's long-term water pollution abatement and management needs and priorities. The building commission shall also consider the extent to which the implementation of the clean water fund, as set forth in that version of the biennial finance plan updated to reflect the adopted biennial budget act, implements legislative intent on the clean water fund program. The building commission shall, ~~after September 1 and~~ on or before October 1 ~~annually~~ of each odd-numbered year, either approve or disapprove the ~~annual~~ biennial finance plan. ~~When the building commission approves the annual finance plan, the building commission shall establish the total capital dollar amount, by source, available for financial assistance commitments through the end of that fiscal year and the composite annual interest rate which the total dollar amount shall yield, to the extent practicable to accommodate administrative difficulties in achieving the yield~~ that is updated to reflect the adopted biennial budget act, except that the building commission may not disapprove those amounts that the legislature approves under s. 144.2415 (3) (c). If the building commission disapproves the ~~annual~~ version of the biennial finance plan that is updated to reflect the adopted biennial budget act, it must notify the department of natural resources and the department of administration of its reasons for disapproving the plan, and those departments must revise that version of the biennial finance plan and submit the revision to the building commission.

SECTION 3. 13.90 (title) of the statutes is amended to read:

13.90 (title) **Duties and powers of the joint committee on legislative organization.**

SECTION 4. 13.90 (5) of the statutes is created to read:

13.90 (5) The joint committee on legislative organization may contract for the services of persons to advise those building commission members who also are legislators on matters related to the state's issuance of state debt, revenue obligations and operating notes under ch. 18.

SECTION 5. 18.06 (4) of the statutes, as affected by 1989 Wisconsin Act 68, is amended to read:

18.06 (4) BONDS. An authorizing resolution may authorize the issuance and sale of bonds. Except as provided in ~~sub.~~ subs. (5), (7) and (9) and except for any bond authorized and issued under this subchapter and designated by the commission under s. 18.82 as a higher education bond, ~~that~~ the sale of bonds shall be public and noticed as provided in the authorizing resolution. Any or all bids received may be rejected and the sale canceled, or the sale of all or any part of the bonds negotiated, after bids at public sale have been rejected.

SECTION 6. 18.06 (9) of the statutes is created to read:

18.06 (9) CLEAN WATER FUND BONDS. Notwithstanding sub. (4), the sale of bonds under this subchapter to provide revenue for the clean water fund program may be a private sale to the clean water fund under s. 25.43, if the bonds sold are held or owned by the clean water fund, or a public sale, as provided in the authorizing resolution.

SECTION 7. 18.16 (2) of the statutes is renumbered 18.16 (6).

SECTION 8. 18.16 (2) to (5) and (7) of the statutes are created to read:

18.16 (2) Except as provided under sub. (7), in contracting public debt by competitive sale, the commission shall ensure that at least 6% of total public

indebtedness contracted in each fiscal year is underwritten by minority investment firms.

(3) Except as provided under sub. (7), in contracting public debt by negotiated sale, the commission shall ensure that at least 6% of total public indebtedness contracted in each fiscal year is underwritten by minority investment firms.

(4) Except as provided under sub. (7), in contracting public debt by competitive sale or negotiated sale, the commission shall ensure that at least 6% of the total moneys expended in each fiscal year for the services of financial advisers are expended for the services of minority financial advisers.

(5) Except as provided under s. 18.06 (9) and sub. (7), an individual underwriter or syndicate of underwriters shall ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of public debt, provides for a portion of sales to minority investment firms.

(7) The requirements of any of subs. (2) to (5) do not apply to a contracting of public debt, if all of the following occur within 30 days after the date on which the debt is contracted: **Vetoed in Part**

(a) The building commission directs the secretary of administration to submit a report in writing to the joint committee on finance specifying the building commission's reasons for not complying with the requirements of any of subs. (2) to (5) for that contracting of public debt.

(b) The joint committee receives the report in par. (a). **Vetoed in Part**

Vetoed in Part

SECTION 9. 18.55 (3) of the statutes is amended to read:

18.55 (3) REVENUE OBLIGATION BONDS. Revenue obligation bonds may be sold at either public or private sale. The commission shall obtain proposals from at least 3 individual underwriters or syndicates of underwriters in negotiating the private sale of revenue obligation bonds issued under this subchapter or subch. IV, as authorized under s. 144.2415 (4), unless the commission determines that 2 or more such underwriters are unavailable to make such proposals. The commission may provide in the authorizing resolution for refunding bonds that they be exchanged privately in payment and discharge of any of the outstanding bonds or notes being refunded. All revenue obligation bonds sold at public sale shall be notified as provided in the authorizing resolution. Any or all bids received at public sale may be rejected.

SECTION 10. 18.57 (3) of the statutes is amended to read:

18.57 (3) Moneys in such funds may be commingled only for the purpose of investment with other public funds, but they shall be invested only in investment instruments permitted in s. 25.17 (3) (dg) or in clean water fund investment instruments permitted in s. 144.2415 (2m). All such investments shall be the exclusive property of such fund and all earnings on or income from investments shall be credited to such fund and shall become available for any of the purposes under sub. (2) and for the payment of interest on related revenue obligations.

SECTION 11. 18.64 (2) of the statutes is renumbered 18.64 (6).

SECTION 12. 18.64 (2) to (5) and (7) of the statutes are created to read:

18.64 (2) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale, the commission shall ensure that at least 6% of the total of revenue obligations contracted in each fiscal year is underwritten by minority investment firms.

(3) Except as provided under sub. (7), in issuing evidences of revenue obligations by negotiated sale, the commission shall ensure that at least 6% of the total of revenue obligations contracted in each fiscal year is underwritten by minority investment firms.

(4) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale or negotiated sale, the commission shall ensure that at least 6% of the total moneys expended in such fiscal year for the services of financial advisers are expended for the services of minority financial advisers.

(5) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of a revenue obligation, provides for a portion of sales to minority investment firms.

(7) The requirements of any of subs. (2) to (5) do not apply to an issuance of evidence of a revenue obligation, if all of the following occur within 30 days after the date on which the debt is contracted: **Vetoed in Part**

(a) The building commission directs the secretary of administration to submit a report in writing specifying the building commission's reasons for not complying with the requirements of any of subs. (2) to (5) for that issuance.

(b) The joint committee on finance receives the report specified in par. (a). **Vetoed in Part**

SECTION 13. 18.77 (2) of the statutes is renumbered 18.77 (6).

SECTION 14. 18.77 (2) to (5) and (7) of the statutes are created to read:

18.77 (2) Except as provided under sub. (7), in contracting operating notes by competitive sale, the commission shall ensure that at least 6% of total operating note indebtedness contracted in each fiscal year is underwritten by minority investment firms.

(3) Except as provided under sub. (7), in contracting operating notes by negotiated sale, the commission shall ensure that at least 6% of total operating note indebtedness contracted in each fiscal year is underwritten by minority investment firms.

(4) Except as provided under sub. (7), in contracting operating notes by competitive sale or negotiated sale, the commission shall ensure that at least 6% of the total moneys expended in such fiscal year for

the services of financial advisers are expended for the services of minority financial advisers.

(5) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of an operating note, provides for a portion of sales to minority investment firms.

Vetoed in Part (7) The requirements of any of subs. (2) to (5) do not apply to a contracting of operating notes, if all of the following occur within 30 days after the date on which the operating note is contracted:

Vetoed in Part (a) The building commission directs the secretary of administration to submit a report in writing to the joint committee on finance specifying the building commission's reasons for not complying with the requirements of any of subs. (2) to (5) for that contracting.

Vetoed in Part (b) The joint committee receives the report in par. (a).

SECTION 15. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

			1989-90	1990-91
20.320	**Clean water fund program**			
(1)	CLEAN WATER FUND OPERATIONS			
(d)	Interim finance cost reimbursement	GPR C	-0-	500,000
Vetoed in Part (e)	Additional interim finance cost reimbursement	GPR C	-0-	500,000
20.370	**Natural resources, department of**			
(2)	ENVIRONMENTAL STANDARDS			
(mx)	General program operations--clean water fund program; federal funds	SEG-F A	-0-	307,500
(4)	LOCAL SUPPORT			
(de)	Aids administration--municipal clean drinking water grants	GPR A	-0-	60,000
(ix)	Aids administration--clean water fund program; federal funds	SEG-F A	379,500	1,083,700
20.505	**Administration, department of**			
(1)	SUPERVISION AND MANAGEMENT			
(v)	General program operations--clean water fund program; state funds	SEG A	65,200	199,300
(x)	General program operations--clean water fund program; federal funds	SEG-F A	-0-	-0-

Vetoed in Part SECTION 16. 20.320 (intro.) and (1) (title) and (c) of the statutes are created to read:

20.320 Clean water fund program. (intro.) There is appropriated for the clean water fund program:

Vetoed in Part (1) (title) CLEAN WATER FUND OPERATIONS.

(c) *Principal repayment and interest — clean water fund.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in transferring moneys from s. 20.866 (2) (tc) to the clean water fund for the purposes specified in s. 25.43 (3).

(d) *Interim finance cost reimbursement.* As a continuing appropriation, the amounts in the schedule for the reimbursement of eligible interim finance costs under s. 144.241 (23) (f) 1.

Vetoed in Part (e) *Additional interim finance cost reimbursement.* As a continuing appropriation, the amounts in the schedule for the reimbursement of eligible interim finance costs under s. 144.241 (23) (f) 2 and 3.

SECTION 17. 20.370 (2) (me) of the statutes is created to read:

20.370 (2) (mc) *General fund; interim funding for clean water fund general program operations and aids administration.* A sum sufficient for general program operations and aids administration under s. 144.241. No moneys may be encumbered from this appropriation after June 30, 1991.

SECTION 18. 20.370 (2) (mt) and (mx) of the statutes, as created by 1989 Wisconsin Act 31, are amended to read:

20.370 (2) (mt) *General program operations - - clean water fund program; state funds.* From the clean water fund, the amounts in the schedule for general program operations under ~~ch. 144~~ s. 144.241 or 144.2415.

(mx) *General program operations — clean water fund program; federal funds.* From the federal revolving loan fund account in the clean water fund, ~~all moneys received from the federal government~~ the amounts in the schedule for general program operations under ~~ch. 144~~ s. 144.241 or 144.2415.

SECTION 19. 20.370 (4) (cq) of the statutes is renumbered 20.320 (1) (q) and amended to read:

20.320 (1) (q) (title) *Clean water fund revenue obligation funding.* As a continuing appropriation, all proceeds from revenue obligations issued under subch. II or IV of ch. 18, as authorized under s. ~~144.241 (5)~~ 144.2415 (4) and deposited in the fund in the state treasury created under s. 18.57 (1), providing for reserves and for expenses of issuance and management of the revenue obligations, and the remainder to be transferred to the clean water fund for the purposes specified in s. 25.43 (3). Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

SECTION 20. 20.370 (4) (cr) of the statutes is renumbered 20.320 (1) (r) and amended to read:

20.320 (1) (r) (title) *Clean water fund repayment of revenue obligations.* From the clean water fund, a sum sufficient to repay the fund in the state treasury created under s. 18.57 (1) the amount needed to retire revenue obligations issued under subch. II or IV of ch. 18, as authorized under s. ~~144.241 (5)~~ 144.2415 (4).

SECTION 21. 20.370 (4) (cs) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 20.320 (1) (s) and amended to read:

20.320 (1) (s) (title) *Clean water fund financial assistance.* From the clean water fund, a sum sufficient for the purposes of ss. 25.43, 144.241 and 144.2415, other than general program operations specified under ~~sub.~~ s. 20.370 (2) (mt) or (mx) or 20.505 (1) (v) or (x) and other than administration, of ss. 25.43 ~~and~~, 144.241 and 144.2415.

SECTION 22. 20.370 (4) (de) of the statutes is created to read:

20.370 (4) (de) *Aids administration — municipal clean drinking water grants.* The amounts in the schedule for the administration of the municipal clean drinking water grant program under s. 144.0255.

SECTION 23. 20.370 (4) (ix) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.370 (4) (ix) *Aids administration — clean water fund program; federal funds.* From the federal revolving loan fund account in the clean water fund, ~~all moneys received from the federal government,~~ the amounts in the schedule for the administration of s. 144.241 or 144.2415.

SECTION 24. 20.370 (4) (iz) of the statutes is created to read:

20.370 (4) (iz) *General fund supplement, aids administration and general program operations; clean water fund.* A sum sufficient from the federal revolving loan fund account in the clean water fund, to make the payments under s. 144.241 (22).

SECTION 25. 20.370 (4) (jc) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.370 (4) (jc) *Principal repayment and interest — pollution abatement bonds.* From the general fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of point source water pollution abatement facilities and sewage collection facilities under ss. 144.21, 144.23 and 144.24 ~~or incurred in transferring moneys from s. 20.866 (2) (tc) to the clean water fund for the purposes specified in s. 25.43 (3)~~.

SECTION 26. 20.370 (4) (je) of the statutes is created to read:

20.370 (4) (je) *Principal repayment and interest — municipal clean drinking water grants.* From the general fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in making municipal clean drinking water grants under s. 144.0255.

SECTION 27. 20.370 (4) (jq) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 20.320 (1) (t).

SECTION 28. 20.370 (4) (jr) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 20.320 (1) (u) and amended to read:

20.320 (1) (u) *Principal repayment and interest — clean water fund revenue obligation repayment.* From the fund in the state treasury created under s. ~~144.241 (5)~~ 18.57 (1), all moneys received by the fund and not transferred under s. ~~144.241 (5)~~ 144.2415 (4) (c) to the clean water fund, for the purpose of the retirement of revenue obligations, providing for reserves and for operations relating to the management and retirement of revenue obligations issued under subch. II or IV of ch. 18, as authorized under s. ~~144.241 (5)~~ 144.2415 (4). All moneys received are irrevocably appropriated in accordance with subch. II of ch. 18 and further established in resolutions authorizing the issuance of the revenue obligations and setting forth the distribution of funds to be received thereafter.

SECTION 29. 20.370 (4) (ka) of the statutes is renumbered 20.320 (1) (a) and amended to read:

20.320 (1) (a) *Environmental aids clean water fund.* ~~From the general fund, the~~ The amounts in the schedule to be paid into the clean water fund.

SECTION 30. 20.370 (4) (ma) of the statutes, as created by 1989 Wisconsin Act 31, is renumbered 20.320 (1) (b) and amended to read:

20.320 (1) (b) *General fund supplement to clean water fund.* ~~From the general fund, the~~ The amounts in the schedule to be transferred to the clean water fund.

SECTION 31. 20.505 (1) (v) and (x) of the statutes are created to read:

20.505 (1) (v) *General program operations — clean water fund program; state funds.* From the clean water fund, the amounts in the schedule for general program operations under s. 144.241 or 144.2415.

(x) *General program operations — clean water fund program; federal funds.* From the federal revolving loan fund account in the clean water fund, the amounts in the schedule for general program operations under s. 144.241 or 144.2415.

SECTION 32. 20.536 (1) (ka) of the statutes is amended to read:

20.536 (1) (ka) *General program operations; clean water fund.* All moneys received for providing services to the department of administration or the department of natural resources in administering ss. 25.43 ~~and~~, 144.241 and 144.2415, for general program operations.

SECTION 33. 20.866 (intro.) of the statutes, as affected by 1989 Wisconsin Acts 31 and 46, is amended to read:

20.866 Public debt. (intro.) There are irrevocably appropriated to the bond security and redemption fund and to the capital improvement fund, as a first charge upon all revenues of this state, sums sufficient for payment of principal, interest and premium due, if any, on public debt contracted under subchs. I and IV of ch. 18.

SECTION 34. 20.866 (1) (u) of the statutes, as affected by 1989 Wisconsin Acts 31, 107 and 219, is amended to read:

20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under ss. 20.190 (1) (j), 20.225 (1) (c), 20.245 (2) (c) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db) and (gb), 20.320 (1) (c) and (t), 20.370 (1) (kc) and (kw), (2) (jc), (4) (jb), (jc), (jd) and ~~(jq)~~ (je) and (8) (Lb) and (Ls), 20.395 (6) (aq) and (ar), 20.410 (1) (c), (ec) and (ko), 20.435 (2) (ee), (3) (e) and (5) (e), 20.455 (2) (cm), 20.465 (1) (d), 20.485 (1) (f) and (3) (t), 20.505 (5) (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

SECTION 35. 20.866 (2) (tb) of the statutes is created to read:

20.866 (2) (tb) *Natural resources; municipal clean drinking water grants.* From the capital improvement fund, a sum sufficient to the department of natural resources to provide funds for municipal clean drinking water grants under s. 144.0255. The state may contract public debt in an amount not to exceed $9,800,000 for this purpose. **Vetoed in Part**

SECTION 36. 20.866 (2) (tc) of the statutes, as affected by 1989 Wisconsin Acts 31 and 336, is amended to read:

20.866 (2) (tc) (title) *Clean water fund.* From the capital improvement fund, a sum sufficient to be transferred to the clean water fund for the purposes of ~~s.~~ ss. 144.241 and 144.2415. The state may contract public debt in an amount not to exceed ~~$243,400,000~~ $304,204,000 for this purpose. Of this amount, the amount needed to meet the requirements for state deposits under 33 USC 1382 is allocated for those deposits. ~~Payments may be made from this appropriation only after May 31, 1990, and then only for direct loans for transition projects under s. 144.241 (20).~~

SECTION 37. 20.866 (2) (tn) of the statutes is amended to read:

20.866 (2) (tn) *Natural resources; pollution abatement and sewage collection facilities.* From the capital improvement fund, a sum sufficient to the department of natural resources to acquire, construct, develop, enlarge or improve point source water pollution abatement facilities and sewage collection facilities under s. 144.24 including eligible engineering design costs. Payments may be made from this appropriation for capital improvement expenditures and encumbrances authorized under s. 144.24 before July 1, 1990, except for reimbursements made under s. 144.24 (9m) (a). Payments may also be made from this appropriation for expenditures and encumbrances resulting from disputed costs under s. 144.24 if an appeal of an eligibility determination is filed before July 1, 1990, and the result of the dispute requires additional funds for an eligible project. The state may contract public debt in an amount not to exceed ~~$890,511,400~~ $902,449,800 for this purpose.

SECTION 38. 25.17 (1) (aw) of the statutes is repealed.

SECTION 39. 25.17 (2) (d) of the statutes is created to read:

25.17 (2) (d) Invest the clean water fund, and collect the principal and interest of all moneys loaned or invested from the clean water fund, as directed by the department of administration under s. 144.2415 (2m). In making such investment, the investment board shall accept any reasonable terms and conditions that the department of administration specifies and is relieved of any obligations relevant to prudent investment of the fund, including those set forth under ch. 881.

SECTION 40. 25.18 (1) (n) of the statutes is renumbered 144.2415 (2m) (a) 2 and amended to read:

144.2415 (2m) (a) 2. ~~Purchase~~ Subject to par. (b), purchase or acquire, commit on a standby basis to purchase or acquire, sell, discount, assign, negotiate, or otherwise dispose of, or pledge, hypothecate or otherwise create a security interest in, loans as the ~~investment board~~ department of administration may determine, or portions or portfolios of participations in loans, made or purchased under s. ~~144.241, if the disposition provides a financial benefit to and does not contradict or weaken the purposes of the clean water fund~~ this section. The disposition may be at the price and under the terms that the ~~investment board~~ department of administration determines to be reasonable and may be at public or private sale.

SECTION 41. 25.43 (1) (e), (f) and (g) of the statutes are amended to read:

25.43 (1) (e) All repayments of principal and payment of interest on loans made from the clean water fund and on obligations acquired by the ~~investment board~~ department of administration under s. ~~144.241 (19)~~ 144.2415 (12).

(f) All moneys received by the clean water fund from the proceeds of the sale of general or revenue ~~obligation bonds~~ obligations under ch. 18 for the purpose of s. 20.866 (2) (tc) or ~~144.241 (5)~~ 144.2415 (4).

(g) All moneys received from the sale of loans made under s. ~~25.18 (1) (n)~~ 144.2415 (2m) (a) 2.

SECTION 42. 25.43 (1) (i) of the statutes is created to read:

25.43 (1) (i) All moneys received as investment earnings under s. 25.17 (2) (d).

SECTION 43. 25.43 (2) (c) of the statutes is amended to read:

25.43 (2) (c) The ~~investment board~~ department of administration may establish and change accounts in the clean water fund other than those under pars. (a) and (b). The ~~investment board~~ department of administration shall consult the department of natural resources before establishing or changing an account that is needed to administer the program under s. 144.241 or 144.2415.

SECTION 44. 25.43 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

25.43 (3) ~~The~~ Except for the purpose of investment as provided in s. 25.17 (2) (d), the clean water fund may be used only for the purposes authorized under ss. 20.320 (1) (r), (s) and (t), 20.370 (2) (mt) and (mx) and (4) ~~(cr), (cs),~~ (iv), and (ix) ~~and (jq) and~~, 20.505 (1) (v) and (x), 144.241 and 144.2415.

SECTION 45. 66.33 (5) of the statutes is amended to read:

66.33 (5) Any municipality may participate in the state financial assistance program for soil and water resources protection established under s. 144.21, ~~144.24, 144.241~~ or 144.25 and may enter into agreements with the department of natural resources for that purpose. Any municipality may participate in the clean water fund program under ss. 144.241 and 144.2415 and may enter into agreements with the department of administration and the department of natural resources for that purpose. Any county may participate in the state financial assistance program for soil and water resources protection established under s. 92.14 and may enter into agreements with the department of agriculture, trade and consumer protection for that purpose.

SECTION 46. 66.36 of the statutes is created to read:

66.36 Municipal financing; clean water fund project costs. Subject to the terms and conditions of its financial assistance agreement, a municipality may repay financial assistance costs received from the clean water fund by any lawful method, including any one of the following methods or any combination thereof:

(1) Payment out of its general funds.

(2) Payment out of the proceeds of the sale of obligations issued by it under ch. 67.

(3) Payment out of the proceeds of the sale of public improvement bonds issued by it under s. 66.059.

(4) Payment out of the proceeds of revenue obligations issued by it under s. 66.066.

(5) Payment as provided under s. 66.54 (2) (c), (d) or (e).

(6) Payment as provided under s. 66.076 (1).

SECTION 47. 66.894 (14) (d) 3 of the statutes is amended to read:

66.894 (14) (d) 3. The commission may not pay under subd. 2 a total of more than ~~$2,500,000~~ $2,690,000 for all projects constructed under this subsection.

SECTION 48. 66.91 (6m) of the statutes is created to read:

66.91 (6m) TAX STABILIZATION FUND. The commission may establish a tax stabilization fund for any purpose authorized by ss. 66.88 to 66.918.

SECTION 49. 67.10 (1) and (5) (a) of the statutes are amended to read:

67.10 (1) MONEY OF THE UNITED STATES. All ~~money borrowed by municipalities, and all~~ money received in payment of any tax levied under this chapter, shall be lawful money of the United States; all municipal obligations shall be issued in exchange for lawful money of the United States or an obligation of the federal reserve bank or the state to pay such money; and all municipal obligations shall be payable in such money.

(5) (a) After any municipality has provided, as required by s. 67.05 (11), for an issue of bonds, or as required by s. 67.12 (12), for an issue of promissory notes, for a lawful purpose which can be accomplished only through performance of an executory contract by some other contracting party, such contract may be entered into before the actual execution, sale or hypothecation of the bonds or promissory notes, or receipt of payment therefore, with like effect as if the

necessary cash for payments on the contract were already in the treasury.

SECTION 50. 67.12 (1) (b) of the statutes, as affected by 1989 Wisconsin Act 336, is amended to read:

67.12 (1) (b) Any municipality may issue municipal obligations in anticipation of receiving proceeds from clean water fund loans or grants for which the municipality has received a notice of financial assistance commitment under s. 144.241 ~~(20) (d)~~ (15), from bonds or notes the municipality has authorized or has covenanted to issue under this chapter or from grants that are committed to the municipality. Any municipal obligation issued under this paragraph may be refunded one or more times. Such obligation and any refundings thereof shall be repaid within 5 years after the original date of the original obligation.

SECTION 51. 67.12 (12) (a) of the statutes is amended to read:

67.12 (12) (a) Any municipality may issue promissory notes as evidence of indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not limited to paying any general and current municipal expense, and refunding any municipal obligations, including interest on them. Each note, plus interest if any, shall be repaid within 10 years after the original date of the note, except that notes issued under ~~s.~~ this section for purposes of ss. 144.241 and 144.2415, or to raise funds to pay a portion of the capital costs of a metropolitan sewerage district, shall be repaid within 20 years after the original date of ~~completion of the treatment work project which they fund~~ the note.

SECTION 52. 144.025 (2) (s) of the statutes is amended to read:

144.025 (2) (s) In cases of noncompliance with any order issued under par. (d), (r) or (u), the department may take the action directed by the order, and collect the costs thereof from the owner to whom the order was directed. The department shall have all the necessary powers needed to carry out this paragraph including powers granted municipalities under ss. 66.076 and 66.20 to 66.26. It shall also be eligible for financial assistance under ss. 144.21, 144.24 ~~and~~, 144.241 and 144.2415.

SECTION 53. 144.0255 of the statutes is created to read:

144.0255 Municipal clean drinking water grants. (1) The department may award a municipal clean drinking water grant, from the appropriation under s. 20.866 (2) (tb), to a municipality for capital costs to achieve compliance with standards for contaminants established by the department by rule under the safe drinking water program under s. 144.025 (2) (t), if the municipality is not in compliance with those standards on or after April 1, 1990, if the municipality incurs the capital costs after January 1, 1989, and if the violation of the standards for contaminants occurs in a public water supply owned by the municipality.

(2) The department shall approve grants under this section equal to the following percentages of the amount by which the reasonable and necessary capital costs of achieving compliance with the standards for contaminants exceed an amount equal to $25 times the population that is served by the contaminated public water supply for which a grant is sought:

Vetoed in Part

~~(a) If the reasonable and necessary capital costs of achieving compliance with such standards are an amount equal to an amount that is less than $100 times the population that is served by the contaminated public water supply, 50%.~~

~~(b) If the reasonable and necessary capital costs of achieving compliance with such standards are an amount equal to an amount that is greater than or equal to $100 and less than or equal to $150 times the population that is served by the contaminated water supply, 75%.~~

(c) If the reasonable and necessary capital costs of achieving compliance with such standards are an amount equal to an amount that is greater than $150 times the population that is served by the contaminated water supply, 90%.

(3) The department shall rank applicants for grants under this section on the basis of the severity of risk to human health posed by each applicant's violation of the standards for contaminants. If insufficient funds are available for providing grants to eligible municipalities, the department shall allocate grants based on the severity of risk to human health.

(4) The department shall promulgate rules for the administration of the program under this section that include the establishment of which capital costs are eligible for reimbursement and the method for ranking applicants under sub. (3).

Vetoed in Part

~~SECTION 53g. 144.027 (11) (a) 6 of the statutes is amended to read:~~

~~144.027 (11) (a) 6. All Except as provided in par. (as), all of the contaminants upon which the claim is based are naturally occurring substances and the concentration of the contaminants in water produced by the well does not significantly exceed the background concentration of the contaminants in groundwater at that location.~~

~~SECTION 53h. 144.027 (11) (as) of the statutes is created to read:~~

~~144.027 (11) (as) *Radium.* Paragraph (a) 6 does not apply if the claim is based on radium contamination.~~

SECTION 53m. 144.24 (6) (a) of the statutes is amended to read:

144.24 (6) (a) Each municipality shall notify the department of its intent to apply for a grant under this section by January 1 of each year. For those municipalities that notify the department by January 1, the department shall annually compile a funding list which ranks these municipalities in the same order as they appear on the federal priority list, prepared under the federal act, as of January 1 of each year. ~~If~~ Except

as provided in sub. (7) (c) 4, if there is not sufficient funding available under this section to fund all grant applications in one year, the department shall allocate available funding to projects in the order in which they appear on the funding list. The department shall not allocate funds to a municipality that is on the funding list in a particular year if the municipality is not ready to begin construction within 3 months of the time when the department is ready to allocate the funds, and the municipality can reasonably expect to receive funds under the federal program within 12 months of the time when the department is ready to allocate the funds.

SECTION 54. 144.24 (7) (c) 3 of the statutes is amended to read:

144.24 (7) (c) 3. Sewerage districts that do not serve 1st class cities are limited to new project grant awards that, in the aggregate for all those sewerage districts, are not more than $70,500,000 in fiscal year 1988-89 and not more than ~~$36,400,000~~ $48,338,400 in fiscal year 1989-90 from the amounts authorized under sub. (10), plus any unallocated balances from the previous fiscal year as listed in this subdivision which the department determines, in accordance with its rules establishing a priority funding list under sub. (6), will be available for obligation during the succeeding fiscal year.

SECTION 54m. 144.24 (7) (c) 4 of the statutes is created to read:

144.24 (7) (c) 4. Of the additional $11,938,400 authorized in subd. 3 by 1989 Wisconsin Act .... (this act), for fiscal year 1989-90, the department shall allocate $5,969,200 to each of the first 2 municipalities, except a metropolitan sewerage district that serves a 1st class city, whose projects have the highest rankings on the funding list under sub. (6) (a). The department may not release the additional moneys authorized in subd. 3 to such municipalities until the secretary certifies in writing that each municipality has signed an agreement with the department under which the municipality agrees to waive any further challenge to the order of placement of any of its projects on a priority funding list established by the department under sub. (6).

SECTION 55. 144.24 (9m) (a) of the statutes is amended to read:

144.24 (9m) (a) For fiscal year 1989-90, the advance commitment shall include a provision making the reimbursement of engineering design costs conditional on the award or making of a construction grant under this section or a loan under ~~s.~~ ss. 144.241 and 144.2415. If the financial assistance that the municipality receives for construction of a treatment work is a loan, the engineering design cost reimbursement shall be a loan. After June 30, 1990, and before September 1, 1990, the department may enter into an agreement with a municipality to provide engineering design costs under this subsection if the department makes an advance commitment for the reimbursement of those costs before July 1, 1990, and the municipality receives financial assistance under this section and s. 144.2415 for construction.

SECTION 56. 144.241 (title) of the statutes is amended to read:

144.241 (title) **Clean water fund program; financial assistance.**

SECTION 57. 144.241 (1) (a) of the statutes is renumbered 144.241 (1) (am).

SECTION 58. 144.241 (1) (a) and (cg) of the statutes are created to read:

144.241 (1) (a) "Capital cost loan" means a loan to a municipality to finance its payment for capital costs to a metropolitan sewerage district organized under ss. 66.88 to 66.918.

(cg) "Market interest rate" means the interest at the effective rate of a revenue obligation issued by the state to fund a project loan or a portion of a project loan under this section and s. 144.2415.

SECTION 59. 144.241 (2m) of the statutes is created to read:

144.241 (2m) GENERAL DUTIES. The department shall:

(a) Administer its responsibilities under this section and s. 144.2415.

(b) Have the lead state role with the U.S. environmental protection agency.

(c) Cooperate with the department of administration in administering the clean water fund program.

(d) Have the lead state role with municipalities in providing clean water fund program information, and cooperate with the department of administration in providing such information to municipalities.

(e) Inspect periodically clean water fund project construction to determine project compliance with construction plans and specifications approved by the department and the requirements of this section and s. 144.2415 and, if applicable, of 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations promulgated thereunder.

(f) Submit a biennial budget request under s. 16.42 for the clean water fund program.

SECTION 60. 144.241 (3) of the statutes is amended to read:

144.241 (3) ACCEPTANCE OF FEDERAL CAPITALIZATION GRANTS. The department may enter into an agreement under 33 USC 1382 with ~~the administrator of~~ the U.S. environmental protection agency to receive a capitalization grant under 33 USC 1381 to 1387. The agreement may contain any provision required by 33 USC 1381 to 1387 and any regulation, guideline or policy adopted under 33 USC 1381 to 1387.

SECTION 61. 144.241 (3m) of the statutes is created to read:

144.241 (3m) BIENNIAL NEEDS LIST. By May 1 of each even-numbered year, the department shall prepare and submit to the department of administration a

biennial needs list that includes all of the following information:

(a) A list of wastewater treatment projects that the department estimates will receive notices of financial assistance commitment under sub. (15) during the next biennium.

(b) The estimated cost and estimated construction schedule of each project on the list, and the total of the estimated costs of all projects on the list.

(c) The estimated rank of each project on the priority list under sub. (10).

SECTION 62. 144.241 (4) (title) of the statutes is repealed.

SECTION 63. 144.241 (4) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 144.2415 (3) (bm) (intro.) and amended to read:

144.2415 (3) (bm) (intro.) ~~By September 1 of each year, the department shall develop an annual finance plan.~~ The department and department of administration jointly shall prepare and submit ~~the annual finance plan~~ copies of all of the following to the building commission under s. 13.48 (26), to the joint committee on finance and to the chief clerk of each house of the legislature, for distribution under s. 13.172 (3) to the appropriate legislative standing committees generally responsible for legislation related to environmental issues. ~~Within 30 days after receipt of the proposal, the~~:

(br) The joint committee on finance and each standing committee may submit to the building commission its recommendations and comments regarding each version of the biennial finance plan, and whether the ~~annual~~ version of the biennial finance plan updated to reflect the adopted biennial budget act should be approved or disapproved as specified under s. 13.48 (26). If the building commission disapproves ~~an annual~~ the version of the biennial finance plan that is updated to reflect the adopted biennial budget act, the department and the department of administration shall submit a ~~different annual~~ revised biennial finance plan to the building commission.

SECTION 64. 144.241 (4) (b) (intro.) and 4 of the statutes are repealed.

SECTION 65. 144.241 (4) (b) 1, 2, 3, 5, 6 and 7 of the statutes are renumbered 144.2415 (3) (a) 1, 2, 3, 4, 5 and 5m and amended to read:

144.2415 (3) (a) 1. An estimate of wastewater treatment needs of the state for the ~~current fiscal year and for each of the next~~ 4 fiscal years of the next 2 biennia.

2. The total amount of financial assistance ~~that the department plans to provide or commit~~ planned to be provided or committed to municipalities for projects during ~~that fiscal year and an estimate of the total financial assistance that the department plans to provide or commit to municipalities in each of~~ the ~~next~~ 4 fiscal years of the next 2 biennia.

3. The sources of the financial assistance ~~that the department plans to provide or commit~~ planned to be provided or committed to municipalities during ~~that fiscal year and in each of the next 4 fiscal years~~ the 4 fiscal years of the next 2 biennia.

4. The extent to which the clean water fund will be maintained in perpetuity, and the extent to which the clean water fund will retain its purchasing power, meet the requirements of this section and s. 144.241 to provide financial assistance for water quality pollution abatement needs and nonpoint source water pollution management needs, and provide a stable and sustainable annual level of financial assistance under this section and s. 144.241 proportional to the state's long-term water pollution abatement and management needs and priorities.

5. A fund balance sheet, cash flow of existing loans and commitments, report of loans and commitments, fund profits and losses including yield on prior year loans, the estimated fund capital available for commitments in each of the next ~~5~~ 4 fiscal years, and the projected clean water fund balance for each of the next 20 years given existing commitments and financial conditions.

5m. The estimated spending level and percentage of market interest rate for the types of projects specified under ~~sub.~~ s. 144.241 (7) (b) 1 ~~or 2~~ to 3.

SECTION 66. 144.241 (5) (title) and (a) to (g) of the statutes are renumbered 144.2415 (4) (title), (am) and (b) to (g), and 144.2415 (4) (am) to (g), as renumbered, are amended to read:

144.2415 (4) (am) ~~Transfers~~ Deposits, appropriations or transfers to the clean water fund for the purposes specified in s. 25.43 (3) may be funded with the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18 or in accordance with subch. IV of ch. 18 if designated a higher education bond.

(b) The department of administration may, under s. 18.56 (5) and (9) (j), deposit in a separate and distinct fund in the state treasury or in an account maintained by a trustee outside the state treasury, any portion of the revenues derived under s. 25.43 (1). The revenues deposited with a trustee outside the state treasury are the trustee's revenues in accordance with the agreement between this state and the trustee or in accordance with the resolution pledging the revenues to the repayment of revenue obligations issued under this subsection.

(c) The ~~secretary~~ building commission may pledge any portion of revenues received or to be received in the fund established in par. (b) or the clean water fund to secure revenue obligations issued under this subsection. The pledge shall provide for the transfer to ~~this state~~ the clean water fund of all pledged revenues, including any interest earned on the revenues, which are in excess of the amounts required to be paid under s. ~~20.370 (4) (jc) and (jr)~~ 20.320 (1) (c) and (u) for the purposes specified in s. 25.43 (3). The pledge shall provide that the transfers be made at least twice yearly, that the transferred amounts be deposited in

the clean water fund and that the transferred amounts are free of any prior pledge.

(d) The department of administration shall have all other powers necessary and convenient to distribute the pledged revenues and to distribute the proceeds of the revenue obligations in accordance with subch. II of ch. 18 or in accordance with subch. IV of ch. 18 if designated a higher education bond.

(e) The department of administration may enter into agreements with the federal government or its agencies, political subdivisions of this state, individuals or private entities to insure or in any other manner provide additional security for the revenue obligations issued under this subsection.

(f) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection can be fully paid on a timely basis from moneys received or anticipated ~~and pledged~~ to be received ~~on a timely basis~~. Revenue obligations issued under this subsection shall not exceed ~~$1,000~~ $729,355,000 in principal amount, excluding obligations issued to refund outstanding revenue obligation notes. ~~Not more than $900 of the $1,000 may be used for transfers to the clean water fund.~~

(g) Unless otherwise expressly provided in resolutions authorizing the issuance of revenue obligations or in other agreements with the holders of revenue obligations, each issue of revenue obligations under this subsection shall be on a parity with every other revenue obligation issued under this subsection and in accordance with subch. II of ch. 18 or with subch. IV of ch. 18 if designated a higher education bond.

SECTION 67. 144.241 (6) (title) of the statutes is amended to read:

144.241 (6) (title) METHODS OF PROVIDING FINANCIAL ASSISTANCE.

SECTION 68. 144.241 (6) (a) (intro.) of the statutes is amended to read:

144.241 (6) (a) (intro.) The department may ~~approve~~ determine whether a municipality is eligible for financial assistance under this section ~~to municipalities~~ and s. 144.2415 for any of the following:

SECTION 69. 144.241 (6) (a) 4 of the statutes is created to read:

144.241 (6) (a) 4. A capital cost loan.

SECTION 70. 144.241 (6) (b) 1, 2 and 6 of the statutes are amended to read:

144.2415 (6) (b) 1. Purchasing or refinancing the ~~debt~~ obligation of a municipality if the ~~debt~~ obligation was incurred to finance the cost of constructing a water pollution control project located in this state and the ~~debt~~ obligation was initially incurred on or after May 17, 1988.

2. Purchasing or refinancing the ~~debt~~ obligation of a municipality if the ~~debt~~ obligation was incurred to finance the cost of constructing a water pollution control project located in this state and the ~~debt~~ obligation was initially incurred after March 7, 1985, and before May 17, 1988, if after giving the notice of financial assistance commitment under sub. (15) the requirements of 33 USC 1382 (b) (3) have still not been met.

6. Making loans under ~~sub. (20)~~ s. 144.2415 (13) for the purposes of that subsection.

SECTION 71. 144.241 (7) (a) of the statutes is amended to read:

144.241 (7) (a) The department shall, by rule, establish criteria for determining which applicants and which projects are eligible to receive financial assistance under this section and s. 144.2415. The primary criteria for eligibility shall be water quality and public health. The rules for projects funded from the account under s. 25.43 (2) (a) shall be consistent with 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations promulgated thereunder. The rules for projects funded from the account under s. 25.43 (2) (b) may be consistent with 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations promulgated thereunder.

SECTION 72. 144.241 (7) (b) (intro.) of the statutes is amended to read:

144.241 (7) (b) (intro.) The department may ~~approve~~ determine whether a municipality is eligible for financial assistance under this section and s. 144.2415 for any of the following types of projects:

SECTION 73. 144.241 (7) (b) 3 of the statutes is created to read:

144.241 (7) (b) 3. Projects for treatment work planning and design, except for the planning and design listed under subd. 6.

SECTION 74. 144.241 (7) (b) 6 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

144.241 (7) (b) 6. Projects for ~~corrective action to a~~ the planning, design, construction or replacement of treatment ~~work~~ works that ~~violates~~ violate effluent limitations contained in a permit issued under ch. 147.

SECTION 75. 144.241 (7) (b) 7 of the statutes is created to read:

144.241 (7) (b) 7. Projects for which a municipality seeks a capital cost loan.

SECTION 76. 144.241 (8) (a) (intro.) of the statutes is amended to read:

144.241 (8) (a) (intro.) The following are not eligible for financial assistance from the clean water fund under this section and s. 144.2415:

SECTION 77. 144.241 (8) (a) 4. a and b and 5 of the statutes, as created by 1989 Wisconsin Act 31, are amended to read:

144.241 (8) (a) 4. a. The nonlocal share of a project which receives funding under ~~sub. (20)~~ s. 144.2415 (13).

b. The portion of a project funded under ~~sub. (20)~~ s. 144.2415 (13) relating to a collection system, even if the costs relating to the collection system were not eligible under s. 144.24.

5. During fiscal years 1989-90 and 1990-91, a person or municipality in violation of an effluent limitation contained in a permit issued under ch. 147, unless that person or municipality is eligible under ~~sub. (20)~~ s. 144.2415 (13).

SECTION 78. 144.241 (8) (b) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

144.241 (8) (b) 1. Except as provided in subd. 2 and par. (k), the amount of reserve capacity for a project eligible for financial assistance ~~of~~ through a method specified under sub. (6) (b)~~, other than a loan at the market interest rate or other than a purchase or refinancing of a debt obligation at fair market value and at the market interest rate or other than a guarantee of or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or will reduce the interest rate on the obligation to not less than the market interest rate,~~ is limited to that future capacity required to serve the users of the project expected to exist within the service area of the project 10 years after the project is estimated to become operational. The department, in consultation with the demographic services center in the department of administration under s. 16.96, shall promulgate rules defining procedures for projecting population used in determining the amount of reserve capacity.

2. ~~The~~ Except as provided in par (k), the department may not ~~approve~~ determine that a municipality is eligible for financial assistance ~~of~~ through a method specified under sub. (6) (b)~~, other than a loan at the market interest rate or other than a purchase or refinancing of a debt obligation at fair market value and at the market interest rate or other than a guarantee of or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or will reduce the interest rate on the obligation to not less than the market interest rate,~~ for reserve capacity for a collection system, interceptors or an individual system project in an unsewered municipality.

SECTION 79. 144.241 (8) (c) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

144.241 (8) (c) ~~Financial~~ Except as provided in par. (k), financial assistance~~, other than a loan at the market interest rate or other than a purchase or refinancing of a debt obligation at fair market value and at the market interest rate or other than a guarantee of or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or will reduce the interest rate on the obligation to not less than the market interest rate,~~ may be provided for the design, planning and construction of a collection system, interceptor or individual system project in an unsewered municipality or an unsewered area of a municipality, only if the department finds that at least two-thirds of the initial flow will be for wastewater originating from residences in existence on October 17, 1972.

SECTION 80. 144.241 (8) (d) of the statutes is amended to read:

144.241 (8) (d) An unsewered municipality that is not constructing a treatment work and will be disposing of wastewater in the treatment work of another municipality is not eligible for financial assistance under this section and s. 144.2415 until it executes an agreement under s. 66.30 with another municipality to receive, treat and dispose of the wastewater of the unsewered municipality.

SECTION 81. 144.241 (8) (f) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

144.241 (8) (f) ~~The~~ Except as provided in par. (k), the department may not ~~approve~~ determine that a municipality is eligible for financial assistance ~~of~~ through a method specified under sub. (6) (b)~~, other than a loan at the market interest rate or other than a purchase or refinancing of a debt obligation at fair market value and at the market interest rate or other than a guarantee of or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or will reduce the interest rate on the obligation to not less than the market interest rate,~~ for the portion of a project that treats wastes from industrial users.

SECTION 82. 144.241 (8) (g) of the statutes is amended to read:

144.241 (8) (g) The sum of all of the financial assistance to a municipality approved under this section and s. 144.2415 for a project may not result in the municipality paying less than 10% of the cost of the project.

SECTION 83. 144.241 (8) (h) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

144.241 (8) (h) ~~A~~ Except as provided in par. (k) or (m), a municipality that is a violator of an effluent limitation at the time that the notice of financial assistance commitment ~~for financial assistance~~ is ~~made~~ given may not receive financial assistance of a method specified under sub. (6) (b) 1, 2, 3, 4 or 5~~, other than a loan at the market interest rate or other than a purchase or refinancing of a debt obligation at fair market value and at the market interest rate or other than a guarantee of or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or will reduce the interest rate on the obligation to not less than the market interest rate,~~ for that part of a treatment work project that is needed to correct the violation. This paragraph does not apply to a municipality that after May 17, 1988, is in compliance with a court or department order to correct a violation of the enforceable requirements of its ch. 147 permit, and that is applying for financial assistance under s. 144.2415 (13) to correct that violation.

SECTION 84. 144.241 (8) (i) and (j) of the statutes, as created by 1989 Wisconsin Act 31, are amended to read:

144.241 (8) (i) After June 30, 1991, ~~the department may not approve financial assistance under this section to a~~ no municipality may receive for projects ~~in~~ an amount that exceeds ~~40%~~ 35.2% of the amount ~~in the annual finance plan under sub. (4) (b) 2~~ approved by the legislature under s. 144.2415 (3) (d) for that ~~fiscal year~~ biennium.

(j) During the period beginning on July 1, 1989, and ending on June 30, 1991, ~~the department may not approve~~ no metropolitan sewage district that serves a 1st class city may receive a total of more than ~~$154,400,000~~ $207,200,000 for financial assistance under this section ~~to a metropolitan sewerage district that serves a 1st class city. Notwithstanding par. (a) 4, no more than $51,000,000 of the amount specified in this paragraph may be awarded for the nonlocal share of projects that received financial assistance under s. 144.242~~ and s. 144.2415.

SECTION 85. 144.241 (8) (k), (L) and (m) of the statutes are created to read:

144.241 (8) (k) The restrictions specified under par. (b) 1 and 2, (c), (f) or (h) do not apply to any of the following methods of financial assistance:

1. A loan at the market interest rate.

2. A purchase or refinancing of an obligation at fair market value and at the market interest rate.

3. A guarantee or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or which will reduce the interest rate on the obligation to not less than the market rate.

(L) The total amount of capital cost loans made under this section and s. 144.2415 may not exceed $120,000,000, and no capital cost loan funds may be released under this section and s. 144.2415 until the secretary of administration has found in writing that all of the following facts have occurred:

1. The cities of Brookfield, Mequon, Muskego and New Berlin and the villages of Butler, Elm Grove, Germantown, Menomonee Falls and Thiensville have signed an agreement with a metropolitan sewerage district organized under ss. 66.88 to 66.918, under which each municipality agrees to pay some portion of the amount of $120,000,000 authorized in this paragraph to the metropolitan sewerage district for the district's capital costs and the sum of the amount that each municipality agrees to pay equals at least $120,000,000.

2. The agreement in subd. 1 has also been signed by the metropolitan sewerage district organized under ss. 66.88 to 66.918.

(m) A municipality that is in substantial compliance with the enforceable requirements of its ch. 147 permit on the date that it submits its application for financial assistance under sub. (9) remains eligible for state financial assistance in the same tier under sub. (12) for which it was eligible on the date that it submitted its application, whether or not the municipality violates such ch. 147 permit requirements, if all of the following occur:

1. The municipality submits its application for financial assistance under this section and s. 144.2415 on or before June 30, 1990.

2. The department has approved the municipality's facility plan on or before June 30, 1989.

SECTION 86. 144.241 (9) (a) to (d) of the statutes are amended to read:

144.241 (9) (a) A municipality which desires to participate in the program under this section and s. 144.2415 shall submit an application for participation to the department. The application shall be in such form and include such information as the department ~~prescribes~~ and the department of administration prescribe. The department shall review applications for participation in the program under this section and s. 144.2415. The department shall determine which applications meet the eligibility requirements and criteria under subs. ~~(4),~~ (6), (7), (8), (10) and (13).

(b) A municipality seeking financial assistance, except for a municipality seeking a capital cost loan, for a project under this section and s. 144.2415 shall complete a staged facility plan, design plans and specifications and an environmental analysis sequence as required by the department by rule.

(c) If a municipality is serviced by more than one sewerage district for wastewater pollution abatement, each service area of the municipality shall be considered a separate municipality for purposes of obtaining financial assistance under this section and s. 144.2415.

(d) The department of administration and the department jointly may charge and collect service fees, established by rule, which shall cover the estimated costs of reviewing and acting upon the application and servicing the financial assistance agreement. No service fee established by rule under this paragraph may be charged to or collected from an applicant for financial assistance under s. 144.2415 (13).

SECTION 87. 144.241 (10) (a) 1, (b), (d) and (e) of the statutes are amended to read:

144.241 (10) (a) 1. The type of project and the order in which it is listed under sub. (7) (b) 1 to ~~6~~ 7.

(b) Each municipality shall, in a writing postmarked no later than December 31, notify the department of its intent to apply for financial assistance under this section and s. 144.2415 in the next state fiscal year. Only those municipalities that so notify the department and that before July 1 of the next year submit a complete application meeting the requirements under sub. (9) (a), design plans and specifications if required under s. 144.04 which are approvable by the department under this chapter and a sequence meeting the requirements of sub. (9) (b) may be included on the funding list under par. (c) and consid-

ered for financial assistance under this section and s. 144.2415 in the next state fiscal year.

(d) If sufficient funds are not available to fund all applications for financial assistance under this section and s. 144.2415 in any fiscal year, the department shall allocate available funding to projects in the order in which they appear on the funding list under par. (c) for that year. The department may not issue a notice of financial assistance commitment ~~for financial assistance~~ for a project that is on the funding list if the municipality is not ready to begin construction of the project within 3 months after the department is ready to issue a notice of financial assistance commitment ~~for financial assistance~~.

(e) If funds remain available for a fiscal year after providing financial assistance to all municipalities on the funding list under par. (c), the department may issue a notice of financial assistance commitment ~~for financial assistance~~ to a municipality that meets all of the requirements under this section and s. 144.2415, except the requirement under par. (b) to submit a complete application and design plans and specifications, if required under s. 144.04, before July 1.

SECTION 88. 144.241 (10) (f) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

144.241 (10) (f) ~~Before July 1, 1991, the department may not approve applications for treatment work projects specified under sub. (7) (b) 4, including projects eligible under sub. (20) (a) but not sub. (20) (b), for which financial assistance would total, for all of those treatment work projects, more than 5% of the total capital dollar amount established under s. 13.48 (26) for that fiscal year, unless all other applications on the funding list, including projects eligible under sub. (20), are approved first.~~ Before July 1, 1991, ~~the department may not approve applications for~~ projects not specified under sub. (7) (b) 4, including projects eligible under ~~sub. (20), for which~~ s. 144.2415 (13), may not receive financial assistance that would total, for all of those projects, ~~more than~~ an amount that exceeds 95% of the ~~total capital dollar amount established~~ amount that the legislature approves under s. ~~13.48 (26)~~ 144.2415 (3) (d) for that ~~fiscal year~~ biennium, unless all applications under sub. (7) (b) 4, including projects eligible under ~~sub. (20)~~ s. 144.2415 (13), on the funding list are approved first.

SECTION 89. 144.241 (11) (c) and (d) of the statutes are amended to read:

144.241 (11) (c) The department may not approve financial assistance under this section and s. 144.2415 for a project that is not on the priority list under sub. (10) (a).

(d) In approving financial assistance under this section and s. 144.2415, the department shall adhere, to the extent practicable, to the ~~total capital dollar amount, by source, and the composite annual interest rate~~ amount approved by the ~~building commission~~ legislature for each biennium under s. ~~13.48 (26)~~ 144.2415 (3) (d).

SECTION 90. 144.241 (12) of the statutes, as affected by 1989 Wisconsin Act 31, is repealed and recreated to read:

144.241 (12) LOAN INTEREST RATES. (a) The types of projects for which municipalities may receive loans under this section and s. 144.2415 shall be classified as follows for the purpose of setting the percentage of market interest rates on loans funding such projects:

1. Tier 1 projects are those projects specified in sub. (7) (b) 1 and 2, except as restricted by sub. (8) (b), (c), (f) or (h).

2. Tier 2 projects are those projects specified in sub. (7) (b) 4 and 5, except as restricted by sub. (8) (b), (c), (f) or (h).

3. Tier 3 projects are those projects specified in sub. (7) (b) 6 and 7, and those portions of projects under tiers 1 and 2 that are restricted by sub. (8) (b), (c), (f) or (h).

4. A planning and design project specified in sub. (7) (b) 3 shall be classified under subd. 1, 2 or 3 based on the type of treatment work construction or replacement project for which the planning and design project is undertaken.

(c) The department shall establish, by rule, the percentage of market interest rates on loans for each tier of projects specified in par. (a) 1, 2 or 3, consistent with the following standards:

1. The percentage of market interest rates established shall, to the extent possible, fully allocate the amount of public debt authorized under s. 20.866 (2) (tc), the amount authorized under s. 144.2415 (3) (d) and the amount of revenue obligations authorized under s. 144.2415 (4) (f).

2. A different percentage of market interest rate shall be established for each tier of projects in par. (a). Tier 3 projects shall receive market interest rate. Tier 1 projects shall receive a percentage of market interest rate that is lower than the percentage of market interest rate on tier 2 projects ~~by 1/2% of the market interest rate~~. **Vetoed in Part**

3. ~~Except as provided in par. (e),~~ the department, in establishing percentage of market interest rates, shall attempt to ensure that those rates do not result in any of the following:

a. Beginning in fiscal year 1991, increases in all state water pollution abatement general obligation debt service costs greater than 4% annually in the fiscal year in which the rates are established and in the following fiscal year.

b. State water pollution abatement general obligation debt service costs greater than 50% of all general obligation debt service costs in the fiscal year in which the rates are established and in any of the following 3 fiscal years.

(d) Upon receipt of a request in writing from the department, the department of administration shall

prepare in writing, and submit to the department, estimates of the debt service costs specified in par. (c) 3. The department shall use such estimates in establishing the percentage of market interest rates consistent with the standards specified in par. (c) 3. The department of administration, concurrently with the department's submitting a notice under s. 227.19 (2) of proposed rules authorized under this subsection, shall submit such estimates to the chief clerk of each house for distribution to the appropriate standing committees under s. 13.172 (3).

Vetoed in Part

~~(e) The department may waive application of the standards under par. (c) 3. if it finds that establishing interest rates subject to those standards would adversely affect the equity between past and future loan recipients, and if it incorporates that finding in the analysis accompanying its proposed rules under s. 227.14 (2).~~

(f) The department may request the joint committee on finance to take action under s. 13.101 (11) to modify the percentage of market interest rates established by rule for tier 1 and tier 2 projects, if it determines, based on estimates prepared by the department of administration under par. (d), that those rates would result in a need for state water pollution general obligation debt that would cause state water pollution general obligation debt service costs to exceed the standards established in par. (c) 3.

Vetoed in Part

SECTION 91. 144.241 (13) (a) of the statutes is renumbered 144.241 (13) (a) (intro.) and amended to read:

144.241 (13) (a) (intro.) The department shall rank each municipality applying for financial assistance under this section and s. 144.2415, including a municipality applying for financial assistance under s. 144.2415 (13), based on its ability to pay for the construction and operation costs of its project. The department shall establish, by rule, the ~~economic, socioeconomic and other factors~~ procedure that it uses to rank the municipalities., which shall use all of the following to measure ability to pay, except as provided under par. (bm):

SECTION 92. 144.241 (13) (a) 1 and 2 of the statutes are created to read:

144.241 (13) (a) 1. Total charges imposed on residential users in the municipality that relate to wastewater treatment as a percentage of the total adjusted gross income of residents of the municipality.

2. Total charges imposed by the municipality that relate to wastewater treatment as a percentage of the total equalized value of property in the municipality.

SECTION 93. 144.241 (13) (am) of the statutes is created to read:

144.241 (13) (am) Except as provided under par. (bm), a municipality qualifies for financial hardship assistance if the percentage under par. (a) 1 exceeds 1.5 and if the percentage under par. (a) 2 places the municipality in the 25% of municipalities with the highest percentage under par. (a) 2.

SECTION 94. 144.241 (13) (b) of the statutes is repealed and recreated to read:

144.241 (13) (b) Except as provided under par. (bm), the department shall allocate available financial hardship assistance to municipalities that qualify for financial hardship assistance under par. (am), for projects on the funding list under sub. (10) (c), in the order that the municipalities rank under par. (a). If 2 or more municipalities have the same rank under par. (a), the department shall allocate available financial assistance to those municipalities in the order that the projects appear on the funding list under sub. (10) (c).

Vetoed in Part

SECTION 95. 144.241 (13) (bm) of the statutes is created to read:

144.241 (13) (bm) The department may establish, by rule, factors to rank under this subsection a federally recognized American Indian tribe or band to which the department determines it cannot apply the factor specified in par. (a) 2.

SECTION 96. 144.241 (13) (c), (e) and (f) of the statutes are amended to read:

144.241 (13) (c) 1. The department may approve financial hardship assistance under this subsection only for a municipality for which the department approves financial assistance under sub. (11) or s. 144.2415 (13).

2. A municipality that is a violator of an effluent limitation may not receive financial hardship assistance under this subsection for that part of a treatment work project that is needed to correct the violation. This subdivision does not apply to a municipality that after May 17, 1988, is in compliance with a court or department order to correct a violation of the enforceable requirements of its ch. 147 permit, and that is applying for financial assistance under s. 144.2415 (13) to correct that violation.

(e) The total amount of financial hardship assistance approved in any year under this subsection may not exceed ~~15%~~ 12% of the ~~financial assistance approved annually under this section~~ amount approved by the legislature under s. 144.2415 (3) (d) for that biennium.

(f) The department may not approve financial hardship assistance under this section and s. 144.2415 before January 1, 1991.

SECTION 97. 144.241 (14) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 144.2415 (9) (a) and amended to read:

144.2415 (9) (a) A loan approved under this section and s. 144.241 shall be for no longer than 20 years, as determined by the department of administration and the department, be fully amortized not later than 20 years after the ~~completion of the project that it funds, as determined by the department~~ original date of the note, and require the repayment of principal and interest, if any, to begin not later than 12 months after the expected date of completion of the project that it

funds, as determined by the department of administration and the department.

SECTION 98. 144.241 (14) (b) (intro.) of the statutes is amended to read:

144.241 (14) (b) (intro.) As a condition of receiving financial assistance under this section and s. 144.2415, a municipality shall do all of the following:

SECTION 99. 144.241 (14) (b) 2 and 3 of the statutes are renumbered 144.2415 (9) (b) 1 and 2 and amended to read:

144.2415 (9) (b) 1. Pledge the security, if any, required by the rules promulgated by the department of administration under this section and s. 144.241.

2. Demonstrate to the satisfaction of the department of administration the financial capacity to assure sufficient revenues to operate and maintain the project for its useful life and to pay the debt service on the obligations that it issues for the project.

SECTION 100. 144.241 (14) (b) 8 of the statutes is amended to read:

144.241 (14) (b) 8. Demonstrate to the satisfaction of the department that the municipality is ready to begin construction within 90 days after it receives a notice of financial assistance commitment ~~for financial assistance~~ under sub. (15).

SECTION 101. 144.241 (15) (a) of the statutes is renumbered 144.241 (15) (a) (intro.) and amended to read:

144.241 (15) (a) (intro.) Subject to pars. (b) and (c), the department shall issue a notice of financial assistance commitment to a municipality within 90 days after ~~it approves~~ all of the following occur:

1. The department determines under sub. (9) (a) that the application ~~under sub. (9) (a) and~~ meets eligibility requirements under sub. (7), (8) and (10).

2. The department approves plans and specifications under s. 144.04.

(am) The notice of financial assistance commitment shall include the conditions that the municipality must meet to secure the financial assistance and shall include the estimated loan payment and repayment schedules, as determined by the department and the department of administration, and other terms of the financial assistance.

SECTION 102. 144.241 (15) (a) 3 of the statutes is created to read:

144.241 (15) (a) 3. The department of administration certifies in writing to the department that the municipality meets the conditions of receiving financial assistance established under s. 144.2415 (9) (am) and (b).

SECTION 103. 144.241 (15) (b) and (c) of the statutes are amended to read:

144.241 (15) (b) The department may not issue a ~~loan commitment~~ notice of financial assistance commitment for a loan to a municipality that the department ~~determines~~ of administration determines is unlikely to be able to repay the principal and interest on it according to the terms of the financial assistance.

(c) The department may issue a ~~financial assistance commitment~~ notice of financial assistance commitment to a municipality only after the ~~annual finance plan for~~ amount under s. 144.2415 (3) (d) for the biennium in which that year falls has been approved by the ~~building commission under s. 13.48 (26)~~ legislature under s. 144.2415 (3) (d).

SECTION 104. 144.241 (15) (d) of the statutes is repealed.

SECTION 105. 144.241 (15) (e) of the statutes is created to read:

144.241 (15) (e) The department may not issue a notice of financial assistance commitment to a municipality unless the municipality has agreed in writing to accept the financial assistance offered through the clean water fund program. The department, at the request of the municipality, may release a municipality from such an agreement.

SECTION 106. 144.241 (16) of the statutes is renumbered 144.2415 (11) and amended to read:

144.2415 (11) FINANCIAL ASSISTANCE PAYMENTS. (a) The department may make a financial assistance commitment to a municipality for which the department issues a notice of financial assistance commitment under this section if the municipality meets the condition under ~~sub.~~ s. 144.241 (14) (b) 8 and the other requirements established by the department and the department of administration under this section and s. 144.241.

(b) If a municipality fails to make a principal repayment or interest payment ~~within 180 days~~ after its due date, the department of administration shall place on file a certified statement of all amounts due under this section ~~with the department of administration~~ and s. 144.241. After consulting the department, the department of administration may collect all amounts due by deducting those amounts from any state payments due the municipality or may add a special charge to the amount of taxes apportioned to and levied upon the county under s. 70.60. If the department of administration collects amounts due, it shall remit those amounts to the ~~state treasurer~~ fund to which they are due and notify the department of that action.

(c) The department of administration may not make the last payment under a financial assistance agreement until the department ~~determines~~ and the department of administration determine that the project is completed and meets all requirements of the section and s. 144.241 and that the conditions of the financial assistance agreement are met.

SECTION 107. 144.241 (17) of the statutes is repealed.

SECTION 108. 144.241 (19) of the statutes is renumbered 144.2415 (12) and amended to read:

144.2415 (12) MUNICIPAL OBLIGATIONS. The ~~investment board~~ department of administration may pur-

chase or refinance ~~debt~~ obligations specified in ~~sub.~~ s. 144.241 (6) (b) 1 or 2 and guarantee or purchase insurance for municipal obligations specified in ~~sub.~~ s. 144.241 (6) (b) 3 if the department approves the financial assistance under this section and s. 144.241 and gives a notice of financial assistance commitment ~~for the financial assistance~~ under this section.

SECTION 109. 144.241 (20) (title) of the statutes is renumbered 144.2415 (13) (title).

SECTION 110. 144.241 (20) (a) and (b) of the statutes, as affected by 1989 Wisconsin Act 31, are renumbered 144.2415 (13) (a) and (b), and 144.2415 (13) (a) and (b) 1. (intro.), 1m. (intro.) and a, 2 and 3, as renumbered, are amended to read:

144.2415 (13) (a) 1. Notwithstanding any other provision of this section and s. 144.241, a municipality that submits to the department by January 2, 1989, a facility plan meeting the requirements of s. 144.24 which is approvable under this chapter and that does not receive a grant award before July 1, 1990, only because the municipality is following a schedule contained in the facility plan and approved by the department and the municipality is in compliance with all applicable schedules contained in a permit issued under ch. 147 or because there are insufficient grant funds under s. 144.24, is eligible to receive financial assistance under this paragraph. The form of the financial assistance is a loan with an interest rate of ~~3.5%~~ 2.5% per year except that ~~sub.~~ s. 144.241 (8) (b) ~~and,~~ (f) and (k) applies to projects receiving financial assistance under this paragraph.

2. Notwithstanding any other provision of this section or s. 144.241, the department shall make all loans under subd. 1 to municipalities ready to construct treatment works before the department provides or approves any other financial assistance under this section except for loans under par. (b).

(b) 1. (intro.) Notwithstanding any other provision of this section or s. 144.241, an unsewered municipality is eligible to receive financial assistance under this paragraph, in the form of a loan with an interest rate of 2.5% per year, which may be for original financing or refinancing for a collection system that is ineligible for financial assistance under s. 144.24 because of s. 144.24 (4) (b) 1 and that is being connected to an existing wastewater treatment plant if all of the following apply:

1m. (intro.) Notwithstanding any other provision of this section or s. 144.241, a town sanitary district is eligible to receive financial assistance under this paragraph, in the form of a loan with an interest rate of 2.5% per year, for the extension of a collection system into an unsewered area that is added to the sanitary district if all of the following apply:

a. The department has awarded a grant to the town sanitary district under s. 144.24 (4) ~~(c)~~ (b) 1. c for a collection system.

2. Subsection (8) (b) ~~and,~~ (f) and (k) applies to projects receiving financial assistance under this paragraph.

3. Notwithstanding any provision of this section or s. 144.241, the department shall annually allocate funds for loans under subds. 1 and 1m before the department provides or approves any other financial assistance under this section or s. 144.241.

SECTION 111. 144.241 (20) (c) of the statutes, as affected by 1989 Wisconsin Acts 31 and 336, is repealed.

SECTION 112. 144.241 (20) (d) of the statutes, as created by 1989 Wisconsin Act 336, is repealed.

SECTION 113. 144.241 (22) of the statutes is created to read:

144.241 (22) INTERIM DEPARTMENTAL FUNDING REIMBURSEMENT. On July 1, 1991, the department shall pay from the appropriation under s. 20.370 (4) (iz) an amount equal to the amount expended under s. 20.370 (2) (me) before that date.

SECTION 114. 144.241 (23) of the statutes is created to read:

144.241 (23) INTERIM FINANCE COST REIMBURSEMENT. (a) In this subsection:

1. "Eligible municipality" means a municipality that has been issued a notice of financial assistance commitment under sub. (15).

2. "Interim finance costs" mean costs that an eligible municipality incurs to finance a project eligible for financial assistance under this section and s. 144.2415 before that financial assistance becomes available to the municipality.

(b) The department may reimburse an eligible municipality for eligible interim finance costs.

(c) An eligible municipality's interim finance costs shall meet all of the following conditions to be eligible for reimbursement under this subsection:

1. The municipality incurs the costs over a period of no greater than 6 months.

2. The municipality incurs the costs on financing or refinancing that the municipality obtains on or after April 1, 1990, but no later than September 30, 1990.

3. The municipality obtains the financing or refinancing from a source other than the clean water fund.

(d) The department shall calculate eligible interim finance costs as the amount in subd. 1 minus the amount in subd. 2:

1. An amount equal to the sum of all of the following:

a. The interest costs paid by an eligible municipality, over the period for which it seeks reimbursement of interim finance costs, on that portion of the financing or refinancing obtained by the municipality under par. (c) that equals the amount of financial assistance that would have been received during that period, as specified in the municipality's notice of financial assistance commitment under sub. (15).

b. Any issuance costs to the eligible municipality to obtain that financing or refinancing.

2. An amount equal to the sum of all of the following:

a. The interest costs that an eligible municipality would have paid, over the period for which it seeks reimbursement of interim finance costs, on the amount of financial assistance specified in the municipality's notice of financial assistance commitment under sub. (15), if the municipality had actually received financial assistance under this section and s. 144.2415 for that period.

b. Any costs to the eligible municipality of receiving financial assistance under this section and s. 144.2415.

c. Any interest earned by the eligible municipality, over the period for which it seeks reimbursement of interim finance costs, on that portion of the financing or refinancing obtained by the municipality under par. (c) that equals the amount of financial assistance that would have been received during that period, as specified in the municipality's notice of financial assistance commitment under sub. (15).

(e) The department shall determine each amount used in calculating the eligible interim finance costs under par. (d).

Vetoed in Part

(f) The department shall award eligible interim finance costs to eligible municipalities under this subsection in the following priority and amounts and from the following appropriations:

1. From the appropriation under s. 20.320 (1) (d), the full amount of eligible interim finance costs of those eligible municipalities that are approved for financial hardship assistance under sub. (13).

Vetoed in Part

2. From the appropriation under s. 20.320 (1) (e), the full amount of eligible interim finance costs of those remaining eligible municipalities that are approved for financial hardship assistance under sub. (13), if the department is unable to satisfy the eligible interim finance costs of those municipalities from the appropriation under s. 20.320 (1) (d).

3. From the appropriation under s. 20.320 (1) (e), a prorated percentage of eligible interim finance costs of all other eligible municipalities.

SECTION 115. 144.2415 of the statutes is created to read:

144.2415 Clean water fund program; financial management. (1) DEFINITIONS. In this section:

(a) "Effluent limitation" has the meaning given in s. 147.015 (6).

(b) "Market interest rate" means the interest at the effective rate of a revenue obligation issued by the state to fund a project loan or a portion of a project loan under this section and s. 144.241.

(c) "Municipality" means any city, town, village, county, county utility district, town sanitary district, public inland lake protection and rehabilitation district, metropolitan sewerage district or federally recognized American Indian tribe or band in this state.

(d) "Subsidy" means the amounts provided by the clean water fund to projects receiving financial assistance under this section and s. 144.241 for the following purposes:

1. To reduce the interest rate of clean water fund loans from market rate to a subsidized rate.

2. To provide for financial hardship assistance, including grants.

3. To reduce interest rates for the portion of a loan for additional costs under sub. (3) (g).

(e) "Treatment work" has the meaning given in s. 147.015 (18).

(f) "Violator of an effluent limitation" means a person or municipality that after May 17, 1988, is not in substantial compliance with the enforceable requirements of its permit issued under ch. 147 for a reason that the department determines is or has been within the control of the person or municipality.

(2) GENERAL DUTIES. The department of administration shall:

(a) Administer its responsibilities under this section and s. 144.241.

(b) Cooperate with the department in administering the clean water fund program.

(c) Accept and hold any letter of credit from the federal government through which the state receives federal capitalization grant payments and disbursements to the clean water fund.

(2m) INVESTMENT MANAGEMENT; CLEAN WATER FUND. (a) The department of administration may:

1. Subject to par. (b), direct the investment board under s. 25.17 (2) (d) to make any investment of the clean water fund, or in the collection of the principal and interest of all moneys loaned or invested from such fund.

(b) The department of administration shall take an action under par. (a) only if all of the following conditions occur:

1. The action provides a financial benefit to the clean water fund.

2. The action does not contradict or weaken the purposes of the clean water fund.

3. The building commission approves the action before the department of administration acts.

(3) FINANCIAL MANAGEMENT; BIENNIAL FINANCE PLAN. (a) By August 1 of each even-numbered year, the department of administration and the department jointly shall prepare a biennial finance plan that includes all of the following information:

6. An amount equal to the estimated present value of subsidies for all clean water fund loans and grants expected to be made for the wastewater treatment projects listed in the biennial needs list under s. 144.241 (3m), discounted at a rate of 7% per year to the first day of the biennium for which the biennial finance plan is prepared.

7. A discussion of the assumptions made in calculating the amount under subd. 6.

8. The amount of any service fee expected to be charged during the next biennium under this section to an applicant.

9. The impact of the biennial finance plan on the guidelines under par. (b).

(b) The department of administration and the department shall consider the following as guidelines in preparing the biennial finance plan:

1. That all state water pollution abatement general obligation debt service costs should not increase more than 4% annually.

2. That all state water pollution abatement general obligation debt service costs should not exceed 50% of all general obligation debt service costs to the state.

(bm) 1. By August 1 of each even-numbered year, the version of the biennial finance plan initially prepared as part of the budget process.

2. When the biennial budget is submitted to the legislature under s. 16.45, the version of the biennial finance plan that contains material approved by the governor for inclusion in the budget.

3. No later than 7 days after the day on which the governor signs the biennial budget, a version of the biennial finance plan, updated to reflect the adopted biennial budget act.

(c) No moneys from the clean water fund may be expended in a biennium until the legislature reviews and approves all of the following, either in 1989 Wisconsin Act .... (this act) for the 1989-91 biennium or as part of the biennial budget act for any other biennium:

1. An amount that is specified for that biennium under par. (d) and, for any biennium after the 1989-91 biennium, is based on the amount included in the biennial finance plan under par. (a) 6.

2. The amount of public debt, authorized under s. 20.866 (2) (tc), that the state may contract for the purposes of s. 144.241 and this section.

3. The amount of revenue obligations, authorized under sub. (4) (f), that may be issued for the purposes specified in s. 25.43 (3).

(d) The amount that is specified under par. (c) 1 and approved by the legislature under this paragraph may not exceed $179,304,000 during the 1989-91 biennium and may not exceed $1,000 for any other biennium.

(e) The department may expend, for financial assistance in a biennium other than financial hardship assistance under s. 144.241 (13) (e), an amount up to 80% of the amount approved by the legislature under par. (d). The department may expend such amount only from the percentage of the amount approved under par. (d) that is not available under par. (f) for financial hardship assistance or under par. (g) for additional costs.

(f) The department may expend, for financial hardship assistance in a biennium under s. 144.241 (13) (e), an amount up to 12% of the amount approved by the legislature under par. (d) for that biennium. The department may expend such amount only from the percentage of the amount approved by the legislature under par. (d) that is not available under par. (e) for financial assistance or under par. (g) for additional costs.

(g) 1. The department may expend, for additional costs directly associated with those projects in each biennium that are approved for financial assistance by the department, an amount up to 8% of the amount approved by the legislature under par. (d) for that biennium.

2. The department may expend the amount under subd. 1 only from the percentage of the amount approved by the legislature under par. (d) that is not available under par. (e) for financial assistance or under par. (f) for financial hardship assistance. No municipality may receive additional financial assistance under this paragraph in an amount greater than 10% of the amount specified in subd. 1.

(i) Using the amount approved under par. (d) as a base, the department of administration and the department shall calculate the present value of the actual subsidy of each clean water fund loan or grant to be made for those projects in each biennium that are approved for financial assistance by the 2 departments. The present value shall be discounted as provided under par. (a) 6.

(j) No later than January 1 of each even-numbered year, the department of administration and the department jointly shall submit a report, to the building commission and committees as required under par. (bm), on the implementation of the amount established under par. (d) as required under s. 144.241 (11) (d), and on the operations and activities of the clean water fund program for the previous biennium and for the fiscal year during which the report is prepared.

(4) (a) The clean water fund program is a revenue-producing enterprise or program as defined in s. 18.52 (6).

(9) CONDITIONS OF FINANCIAL ASSISTANCE.

(am) The department of administration, in consultation with the department, may establish those terms and conditions of a financial assistance agreement that relate to its financial management, including what type of municipal obligation, as set forth under s. 66.36, is required for the repayment of the financial assistance. Any terms and conditions established under this paragraph by the department of administration shall comply with the requirements of this section and s. 144.241. In setting such terms and conditions, the department of administration may consider factors that the department of administration finds are relevant, including the type of municipal obligation evidencing the loan or a municipality's creditworthiness.

(b) As a condition of receiving financial assistance under this section and s. 144.241, a municipality shall do all of the following:

(11) (am) The department of administration shall make the financial assistance payments to a municipality to which the department has made a financial assistance commitment under par. (a).

(13) (c) The department of administration and the department may not make loans under s. 144.241 (20), 1987 stats., as affected by 1989 Wisconsin Acts 31, 336 and .... (this act), or under this subsection to a metropolitan sewerage district that serves a 1st class city that total more than $230,900,000.

(13m) LEGISLATIVE MORAL OBLIGATION. The building commission may, at the time the loan is made, by resolution designate a loan made under this section and s. 144.241 as one to which this subsection applies. If at any time the payments received or expected to be received from a municipality on any loan so designated are pledged to secure revenue obligations of the state issued pursuant to subch. II of ch. 18 and are insufficient to pay when due principal of and interest on such loan, the department of administration shall certify the amount of such insufficiency to the secretary of administration, the governor and the joint committee on finance. If the certification is received by the secretary of administration in an even-numbered year before the completion of the budget under s. 16.43, the secretary of administration shall include the certified amount in the budget compilation. In any event, the joint committee on finance shall introduce in either house, in bill form, an appropriation of the amount so requested for the purpose of payment of the revenue obligation secured thereby. Recognizing its moral obligation to do so, the legislature hereby expresses its expectation and aspiration that, if ever called upon to do so, it shall make the appropriation.

(14) RULES. The department of administration shall promulgate rules that are necessary for the proper execution of this section.

(15) CONSTRUCTION. This section shall be liberally construed in aid of the purposes of this section.

SECTION 115m. 144.25 (4) (cm) of the statutes is amended to read:

144.25 (4) (cm) Identify watershed areas in the Milwaukee river basin as priority watershed areas, notwithstanding par. (c), and identify the best management practices necessary to meet water quality objectives in those watershed areas. For the purposes of this paragraph, the Kinnickinnic river shall be treated as being within a watershed area in the Milwaukee river basin. The department shall appoint an advisory committee which represents appropriate local interests to assist it in the planning and implementation of projects and best management practices in these watershed areas. The advisory committee shall include a member of the county board from each county with any area in the Milwaukee river basin.

SECTION 116. 147.26 (2) (intro.) of the statutes is amended to read:

147.26 (2) (intro.) All plans submitted under s. 144.04 after July 22, 1973, for new treatment works, or modifications of treatment works, which will be eligible for construction grants or loans under s. 144.21, or 144.24 or under ss. 144.241 and 144.2415, shall contain:

SECTION 117. 147.30 (2) of the statutes is amended to read:

147.30 (2) Financial assistance under s. 144.21, or 144.24 or under ss. 144.241 and 144.2415; and

SECTION 118. **Nonstatutory provisions; administration.** (1) CLEAN WATER FUND PROGRAM POSITIONS. The authorized FTE positions for the department of administration are increased by 4.0 SEG positions, to be funded from the appropriation under section 20.505 (1) (v) of the statutes, as created by this act, for the purpose of administering the clean water fund program.

(2) CLEAN WATER FUND RULES. Using the procedure under section 227.24 of the statutes, the department of administration may promulgate rules on the clean water fund program under section 144.2415 (14) of the statutes, as created by this act, for the period before the effective date of the rules submitted under that section. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency. Notwithstanding section 227.24 (1) (c) of the statutes, a rule promulgated under this subsection remains in effect only for 180 days, unless the rule promulgated under this subsection is extended by the joint committee for review of administrative rules under section 227.24 (2) (a) of the statutes.

SECTION 119. **Nonstatutory provisions; natural resources.** (1) CLEAN WATER FUND RULES. Using the procedure under section 227.24 of the statutes, the department of natural resources may promulgate rules on the clean water fund program under section 144.241 (2) of the statutes, for the period before the effective date of the rules submitted under that section. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency. Notwithstanding section 227.24 (1) (c) of the statutes, a rule promulgated under this subsection remains in effect for only 180 days, unless the rule promulgated under this subsection is extended by the joint committee for review of administrative rules under section 227.24 (2) (a) of the statutes.

(2) CLEAN WATER FUND PROGRAM POSITIONS. The authorized FTE positions for the department of natural resources are increased by 7.5 FED positions on July 1, 1990, to be funded from the appropriation under section 20.370 (2) (mx) of the statutes, for clean water fund general program operations.

(3) MUNICIPAL CLEAN DRINKING WATER GRANT PROGRAM RULES. The department of natural resources shall submit the proposed rules required under section 144.0255 (4) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 5th month beginning after the effective date of this subsection.

(4) MUNICIPAL CLEAN DRINKING WATER GRANT PROGRAM POSITIONS. The authorized FTE positions for the department of natural resources are increased by 1.0 GPR position on July 1, 1990, to be funded from the appropriation under section 20.370 (4) (de) of the statutes, for the administration of the municipal clean drinking water grant program.

Vetoed in Part (5) MUNICIPAL CLEAN DRINKING WATER LOAN ~~OR GRANT~~ STUDY. The department of natural resources shall study the need for establishing a revolving loan ~~or grant~~ program to assist municipalities to comply with safe drinking water standards. The study shall address the costs of correcting violations of current standards, if any, relating to radium, radon, volatile organic compounds, nitrates, pesticides, coliform bacteria and other substances that the department determines are appropriate for inclusion in this study. The department shall submit the results of the study to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes ~~no later than January 1, 1991~~.

(5g) WELL CONTAMINATION INSURANCE PROPOSAL. The department of natural resources shall develop a proposal to make inability to obtain private insurance for well contamination a condition of eligibility for a grant for well contamination under section 144.027 of the statutes. The department shall submit the proposal to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes no later than January 1, 1991.

SECTION 120. **Appropriation changes; natural resources.** (1) GENERAL PROGRAM OPERATIONS; CLEAN WATER FUND. The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (2) (mt) of the statutes, as affected by the acts of 1989, are decreased by $302,100 for fiscal year 1990-91 to decrease the authorized FTE positions for the department by 7.5 SEG positions in the clean water fund program.

(1p) ENVIRONMENTAL FUND SUPPLEMENT; WELL CONTAMINATION COMPENSATION. The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (2) (md) of the statutes, as affected by the acts of 1989, are increased by $500,000 for fiscal year 1990-91 to increase funds available for compensation for well contamination.

(1q) WELL CONTAMINATION COMPENSATION. The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (cv) of the statutes, as affected by the acts of 1989, are increased by $500,000 for fiscal year 1990-91 to increase funding for compensation for well contamination.

(2) GENERAL FUND SUPPLEMENT TO CLEAN WATER FUND. The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the clean water fund program under section 20.320 (1) (b) of the statutes, as affected by the acts of 1989, are increased by $100,000 for fiscal year 1990-91 to supplement the clean water fund.

(3p) NONPOINT SOURCE ADMINISTRATION. The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (ia) of the statutes, as affected by the acts of 1989, are increased by $45,000 for fiscal year 1990-91 to increase the authorized FTE positions of the department by 1.0 GPR position to perform modeling and data collection tasks related to the Kinnickinnic river watershed.

Date of enactment: **April 28, 1992**
1991 Senate Bill 577 Date of publication*: **May 11, 1992**

1991 WISCONSIN ACT 256

AN ACT ***to renumber and amend*** 3.002; ***to amend*** 3.001 and 3.002 (title); ***to repeal and recreate*** 3.01 to 3.09; and ***to create*** 3.002 (intro.) and (1) of the statutes, **relating to:** redistricting the congressional districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 3.001 of the statutes is amended to read:

3.001 Nine congressional districts. Based on the certified official results of the ~~1980~~ 1990 census of population (statewide total: ~~4,705,767~~ 4,891,769) and the allocation thereunder of congressional representation to this state, the state is divided into 9 congressional districts as nearly equal in population as practicable. Each ~~such~~ congressional district, containing approximately 543,530 persons, shall be entitled to elect one representative in the congress of the United States.

SECTION 2. 3.002 (title) of the statutes is amended to read:

3.002 (title) **Description of territory.**

SECTION 3. 3.002 of the statutes is renumbered 3.002 (2) and amended to read:

3.002 (2) Wherever ~~in this chapter~~ territory is described by geographic boundaries, such boundaries follow the conventions set forth in s. 4.003.

SECTION 4. 3.002 (intro.) and (1) of the statutes are created to read:

3.002 (intro.) In this chapter:

(1) "Ward" has the meaning given in s. 4.002.

SECTION 5. 3.01 to 3.09 of the statutes are repealed and recreated to read:

3.01 First congressional district. The following territory shall constitute the 1st congressional district:

(1) WHOLE COUNTIES. The counties of Kenosha, Racine, Rock and Walworth.

(2) GREEN COUNTY. That part of the county of Green consisting of: a) the towns of Albany, Brooklyn, Decatur, Exeter, Jefferson, Spring Grove and Sylvester; b) that part of the town of Mount Pleasant comprising ward 1; c) the villages of Albany and Monticello; d) that part of the village of Brooklyn located in the county; and e) the city of Brodhead.

(3) JEFFERSON COUNTY. That part of the county of Jefferson consisting of: a) that part of the town of Koshkonong comprising ward 1; b) that part of the town of Palmyra comprising ward 2; and c) that part of the city of Whitewater located in the county.

(4) WAUKESHA COUNTY. That part of the county of Waukesha consisting of: a) that part of the town of Mukwonago comprising wards 1, 2, 3, 6, 7 and 8; b) that part of the town of Vernon comprising wards 2 and 4; and c) the village of Mukwonago.

3.02 Second congressional district. The following territory shall constitute the 2nd congressional district:

(1) WHOLE COUNTIES. The counties of Columbia, Dane, Iowa, Lafayette, Richland and Sauk.

(2) DODGE COUNTY. That part of the county of Dodge consisting of: a) the towns of Elba, Fox Lake, Portland, Shields, Trenton and Westford; b) that part of the town of Calamus comprising ward 1; c) that part of the village of Randolph located in the county; d) the city of Fox Lake; and e) that part of the city of Columbus located in the county.

(3) GREEN COUNTY. That part of the county of Green consisting of: a) the towns of Adams, Cadiz, Clarno, Jordan, Monroe, New Glarus, Washington and York; b) that

part of the town of Mount Pleasant comprising ward 2; c) the villages of Browntown and New Glarus; d) that part of the village of Belleville located in the county; and e) the city of Monroe.

(4) JEFFERSON COUNTY. That part of the county of Jefferson consisting of that part of the city of Waterloo comprising wards 1, 2 and 3.

3.03 Third congressional district. The following territory shall constitute the 3rd congressional district:

(1) WHOLE COUNTIES. The counties of Barron, Buffalo, Crawford, Dunn, Grant, Jackson, La Crosse, Pepin, Pierce, St. Croix, Trempealeau and Vernon.

(2) CHIPPEWA COUNTY. That part of the county of Chippewa consisting of the town of Edson.

(3) CLARK COUNTY. That part of the county of Clark consisting of: a) the towns of Beaver, Butler, Dewhurst, Eaton, Foster, Fremont, Grant, Hendren, Hewett, Levis, Loyal, Lynn, Mead, Mentor, Pine Valley, Seif, Sherman, Sherwood, Unity, Warner, Washburn, Weston and York; b) the village of Granton; and c) the cities of Greenwood, Loyal and Neillsville.

(4) EAU CLAIRE COUNTY. That part of the county of Eau Claire consisting of: a) the towns of Bridge Creek, Brunswick, Clear Creek, Drammen, Fairchild, Lincoln, Otter Creek, Pleasant Valley, Seymour, Union, Washington and Wilson; b) the villages of Fairchild and Fall Creek; c) the cities of Altoona and Augusta; and d) that part of the city of Eau Claire located in the county.

(5) MONROE COUNTY. That part of the county of Monroe consisting of: a) the towns of Leon, Little Falls, Portland and Sparta; and b) the city of Sparta.

(6) POLK COUNTY. That part of the county of Polk consisting of: a) the towns of Alden, Black Brook, Clayton, Clear Lake, Farmington, Garfield, Lincoln and Osceola; b) the villages of Clayton, Clear Lake, Dresser and Osceola; and c) the city of Amery.

3.04 Fourth congressional district. The following territory shall constitute the 4th congressional district:

(1) MILWAUKEE COUNTY. That part of the county of Milwaukee consisting of: a) the villages of Greendale, Hales Corners and West Milwaukee; b) the cities of Cudahy, Franklin, Greenfield, Oak Creek, St. Francis, South Milwaukee and West Allis; and c) that part of city of Milwaukee south of a line commencing where the East–West freeway (highway I 94) intersects the western city limits; thence easterly on highway I 94, downriver along the Menomonee river, upriver along the Milwaukee river, east on E. Juneau avenue, south on N. Edison street, east on E. Highland avenue, southerly on N. Water street, east on E. Kilbourn street, south on N. Broadway, east on E. Wisconsin avenue, north on N. Jefferson street, east on E. Mason street, north on N. Jackson street, west on E. State street, north on N. Broadway, east on E. Knapp street, north on N. Jefferson street, easterly on E. Ogden avenue, south on N. Van Buren street, east on E. Juneau avenue, south on N. Marshall, and east on E. Mason street and E. Mason street extended to Lake Michigan.

(2) WAUKESHA COUNTY. That part of the county of Waukesha consisting of: a) the town of Waukesha; b) that part of the town of Mukwonago comprising wards 4 and 5; c) that part of the town of Pewaukee comprising wards 4, 5, 6, 7 and 8; d) that part of the town of Vernon comprising wards 1, 3, 5, 6, 7, 8, 9 and 10; e) the village of Big Bend; and f) the cities of Muskego, New Berlin and Waukesha.

3.05 Fifth congressional district. The following territory in the county of Milwaukee shall constitute the 5th congressional district: a) the villages of Brown Deer, Fox Point, River Hills, Shorewood and Whitefish Bay; b) that part of the village of Bayside located in the county; c) the cities of Glendale and Wauwatosa; and d) that part of city of Milwaukee north of a line commencing where the East–West freeway (highway I 94) intersects the western city limits; thence easterly on highway I 94, downriver along the Menomonee river, upriver along the Milwaukee river, east on E. Juneau avenue, south on N. Edison street, east on E. Highland avenue, southerly on N. Water street, east on E. Kilbourn street, south on N. Broadway, east on E. Wisconsin avenue, north on N. Jefferson street, east on E. Mason street, north on N. Jackson street, west on E. State street, north on N. Broadway, east on E. Knapp street, north on N. Jefferson street, easterly on E. Ogden avenue, south on N. Van Buren street, east on E. Juneau avenue, south on N. Marshall, and east on E. Mason street and E. Mason street extended to Lake Michigan.

3.06 Sixth congressional district. The following territory shall constitute the 6th congressional district:

(1) WHOLE COUNTIES. The counties of Adams, Green Lake, Juneau, Marquette, Waupaca, Waushara and Winnebago.

(2) BROWN COUNTY. That part of the county of Brown consisting of: a) the town of Holland; and b) that part of the town of Wrightstown comprising ward 3.

(3) CALUMET COUNTY. That part of the county of Calumet consisting of: a) the towns of Brillion, Brothertown, Charlestown, Chilton, Harrison, New Holstein, Rantoul, Stockbridge and Woodville; b) the villages of Hilbert, Potter, Sherwood and Stockbridge; c) the cities of Brillion, Chilton and New Holstein; d) that part of the city of Kiel located in the county; e) that part of the city of Menasha located in the county; and f) that part of the city of Appleton comprising wards 10, 11, 35, 37 and 41.

(4) FOND DU LAC COUNTY. That part of the county of Fond du Lac consisting of: a) the towns of Alto, Auburn, Byron, Calumet, Eden, Eldorado, Empire, Fond du Lac, Forest, Friendship, Lamartine, Marshfield, Metomen, Oakfield, Osceola, Ripon, Rosendale, Springvale, Taycheedah and Waupun; b) that part of the town of Ashford comprising ward 1; c) the villages of Brandon, Campbellsport, Eden, Fairwater, Mount Calvary, North Fond

du Lac, Oakfield, Rosendale and St. Cloud; d) that part of the village of Kewaskum located in the county; e) the cities of Fond du Lac and Ripon; and f) that part of the city of Waupun located in the county.

(5) MANITOWOC COUNTY. That part of the county of Manitowoc consisting of: a) the towns of Cato, Centerville, Eaton, Franklin, Gibson, Kossuth, Liberty, Manitowoc, Manitowoc Rapids, Maple Grove, Meeme, Mishicot, Newton, Rockland, Schleswig, Two Creeks and Two Rivers; b) that part of the town of Cooperstown comprising ward 2; c) the villages of Cleveland, Francis Creek, Kellnersville, Maribel, Mishicot, Reedsville, St. Nazianz, Valders and Whitelaw; d) the cities of Manitowoc and Two Rivers; and e) that part of the city of Kiel located in the county.

(6) MONROE COUNTY. That part of the county of Monroe consisting of: a) the towns of Adrian, Angelo, Byron, Clifton, Glendale, Grant, Greenfield, Jefferson, Lafayette, La Grange, Lincoln, New Lyme, Oakdale, Ridgeville, Scott, Sheldon, Tomah, Wellington, Wells and Wilton; b) the villages of Cashton, Kendall, Melvina, Norwalk, Oakdale, Warrens, Wilton and Wyeville; and c) the city of Tomah.

(7) OUTAGAMIE COUNTY. That part of the county of Outagamie consisting of: a) the town of Buchanan; and b) the villages of Combined Locks, Kimberly and Little Chute.

(8) SHEBOYGAN COUNTY. That part of the county of Sheboygan consisting of: a) the towns of Greenbush, Lima, Lyndon, Mitchell, Plymouth, Rhine, Russell and Sheboygan Falls; b) that part of the town of Scott comprising ward 2; c) the villages of Cascade, Elkhart Lake, Glenbeulah and Waldo; and d) the city of Plymouth.

3.07 Seventh congressional district. The following territory shall constitute the 7th congressional district:

(1) WHOLE COUNTIES. The counties of Ashland, Bayfield, Burnett, Douglas, Iron, Lincoln, Marathon, Portage, Price, Rusk, Sawyer, Taylor, Washburn and Wood.

(2) CHIPPEWA COUNTY. That part of the county of Chippewa consisting of: a) the towns of Anson, Arthur, Auburn, Birch Creek, Bloomer, Cleveland, Colburn, Cooks Valley, Delmar, Eagle Point, Estella, Goetz, Hallie, Howard, Lafayette, Lake Holcombe, Ruby, Sampson, Sigel, Tilden, Wheaton and Woodmohr; b) the villages of Boyd and Cadott; c) that part of the village of New Auburn located in the county; d) the cities of Bloomer, Chippewa Falls, Cornell and Stanley; and e) that part of the city of Eau Claire located in the county.

(3) CLARK COUNTY. That part of the county of Clark consisting of: a) the towns of Colby, Green Grove, Hixon, Hoard, Longwood, Mayville, Reseburg, Thorp, Withee and Worden; b) the villages of Curtiss, Dorchester and Withee; c) that part of the village of Unity located in the county; d) the cities of Owen and Thorp; e) that part of the city of Abbotsford located in the county; and f) that part of the city of Colby located in the county.

(4) EAU CLAIRE COUNTY. That part of the county of Eau Claire consisting of the town of Ludington.

(5) ONEIDA COUNTY. That part of the county of Oneida consisting of: a) the towns of Crescent, Pelican and Woodboro; and b) the city of Rhinelander.

(6) POLK COUNTY. That part of the county of Polk consisting of: a) the towns of Apple River, Balsam Lake, Beaver, Bone Lake, Clam Falls, Eureka, Georgetown, Johnstown, Laketown, Lorain, Luck, McKinley, Milltown, St. Croix Falls, Sterling and West Sweden; b) the villages of Balsam Lake, Centuria, Frederic, Luck and Milltown; c) that part of the village of Turtle Lake located in the county; and d) the city of St. Croix Falls.

3.08 Eighth congressional district. The following territory shall constitute the 8th congressional district:

(1) WHOLE COUNTIES. The counties of Door, Florence, Forest, Kewaunee, Langlade, Marinette, Menominee, Oconto, Shawano and Vilas.

(2) BROWN COUNTY. That part of the county of Brown consisting of: a) the towns of Bellevue, De Pere, Eaton, Glenmore, Green Bay, Hobart, Humboldt, Lawrence, Morrison, New Denmark, Pittsfield, Rockland, Scott and Suamico; b) that part of the town of Wrightstown comprising wards 1 and 2; c) the villages of Allouez, Ashwaubenon, Denmark, Howard, Pulaski and Wrightstown; and d) the cities of De Pere and Green Bay.

(3) CALUMET COUNTY. That part of the county of Calumet consisting of that part of the city of Appleton comprising wards 39 and 40.

(4) MANITOWOC COUNTY. That part of the county of Manitowoc consisting of that part of the town of Cooperstown comprising ward 1.

(5) ONEIDA COUNTY. That part of the county of Oneida consisting of the towns of Cassian, Enterprise, Hazelhurst, Lake Tomahawk, Little Rice, Lynne, Minocqua, Monico, Newbold, Nokomis, Piehl, Pine Lake, Schoepke, Stella, Sugar Camp, Three Lakes and Woodruff.

(6) OUTAGAMIE COUNTY. That part of the county of Outagamie consisting of: a) the towns of Black Creek, Bovina, Center, Cicero, Dale, Deer Creek, Ellington, Freedom, Grand Chute, Greenville, Hortonia, Kaukauna, Liberty, Maine, Maple Creek, Oneida, Osborn, Seymour and Vandenbroek; b) the villages of Bear Creek, Black Creek, Hortonville, Nichols and Shiocton; c) the cities of Kaukauna and Seymour; d) that part of the city of Appleton located in the county; and e) that part of the city of New London located in the county.

3.09 Ninth congressional district. The following territory shall constitute the 9th congressional district:

(1) WHOLE COUNTIES. The counties of Ozaukee and Washington.

(2) DODGE COUNTY. That part of the county of Dodge consisting of: a) the towns of Ashippun, Beaver Dam, Burnett, Chester, Clyman, Emmet, Herman, Hubbard, Hustisford, Lebanon, Leroy, Lomira, Lowell, Oak

Grove, Rubicon, Theresa and Williamstown; b) that part of the town of Calamus comprising ward 2; c) the villages of Brownsville, Clyman, Hustisford, Iron Ridge, Kekoskee, Lomira, Lowell, Neosho, Reeseville and Theresa; d) the cities of Beaver Dam, Horicon, Juneau and Mayville; e) that part of the city of Hartford located in the county; f) that part of the city of Watertown located in the county; and g) that part of the city of Waupun located in the county.

(3) FOND DU LAC COUNTY. That part of the county of Fond du Lac consisting of that part of the town of Ashford comprising ward 2.

(4) JEFFERSON COUNTY. That part of the county of Jefferson consisting of: a) the towns of Aztalan, Cold Spring, Concord, Farmington, Hebron, Ixonia, Jefferson, Lake Mills, Milford, Oakland, Sullivan, Sumner, Waterloo and Watertown; b) that part of the town of Koshkonong comprising wards 2, 3, 4 and 5; c) that part of the town of Palmyra comprising ward 1; d) the villages of Johnson Creek, Palmyra and Sullivan; e) that part of the village of Cambridge located in the county; f) the cities of Fort Atkinson, Jefferson and Lake Mills; g) that part of the city of Watertown located in the county; and h) that part of the city of Waterloo comprising wards 4 and 5.

(5) SHEBOYGAN COUNTY. That part of the county of Sheboygan consisting of: a) the towns of Herman, Holland, Mosel, Sheboygan, Sherman and Wilson; b) that part of the town of Scott comprising ward 1; c) the villages of Adell, Cedar Grove, Howards Grove, Kohler, Oostburg and Random Lake; and d) the cities of Sheboygan and Sheboygan Falls.

(6) WAUKESHA COUNTY. That part of the county of Waukesha consisting of: a) the towns of Brookfield, Delafield, Eagle, Genesee, Lisbon, Merton, Oconomowoc, Ottawa and Summit; b) that part of the town of Pewaukee comprising wards 1, 2, 3, 9, 10, 11 and 12; c) the villages of Butler, Chenequa, Dousman, Eagle, Elm Grove, Hartland, Lac La Belle, Lannon, Menomonee Falls, Merton, Nashotah, North Prairie, Oconomowoc Lake, Pewaukee, Sussex and Wales; d) the cities of Brookfield, Delafield and Oconomowoc; and e) that part of the city of Milwaukee located in the county.

SECTION 6. Enrolling and maps. In enrolling this bill, the legislative reference bureau shall attach to the bill an appendix containing the population statistics for the 9 congressional districts, a statewide map of the congressional districts and, for any city, village or town that is divided among 2 or more congressional districts (unless it is a city or village located in more than one county and the district line follows the county line), a detail map illustrating the division of the municipality.

Appendix to: 91 WISACT 256

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Appendix to: 91 WISACT 256

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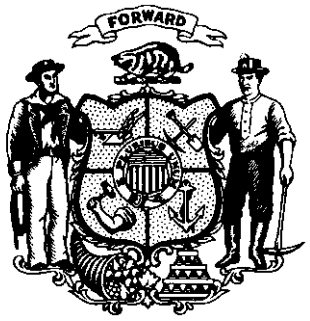
State of Wisconsin



Date of enactment: **June 16, 1998**

1997 Assembly Bill 463

Date of publication*: **June 30, 1998**

1997 WISCONSIN ACT 292

AN ACT ***to renumber and amend*** 48.207 (2), 48.27 (1) and 48.27 (4) (intro.); ***to amend*** 38.24 (1s) (a), 46.001, 46.03 (7) (a), 46.238, 46.40 (7m), 46.51 (title), 46.51 (1), 46.51 (3), 46.51 (4), 46.51 (5), 46.95 (2) (a), 48.01 (1) (intro.), 48.01 (1) (a), 48.01 (1) (br), 48.01 (1) (dm), 48.02 (17m), 48.06 (1) (a) 1., 48.06 (1) (a) 3., 48.06 (1) (am) 3., 48.06 (2) (c), 48.065 (1), 48.065 (2) (gm), 48.065 (3) (c), 48.065 (3) (e), 48.067 (1), 48.067 (2), 48.067 (3), 48.067 (4), 48.067 (6m), 48.067 (8), 48.069 (1) (a), 48.069 (1) (c), 48.07 (4), 48.08 (1), 48.09 (5), 48.135 (title), 48.135 (1), 48.135 (2), 48.14 (5), 48.15, 48.185 (1), 48.185 (2), subchapter IV (title) of chapter 48 [precedes 48.19], 48.19 (1) (c), 48.20 (title), 48.20 (7) (b), 48.20 (8), 48.205 (title), 48.205 (1) (intro.), 48.205 (2), 48.207 (title), 48.207 (1) (intro.), 48.207 (1) (g), 48.208 (4), 48.21 (1) (b), 48.21 (3) (title), 48.21 (3) (ag), 48.21 (3) (b), 48.21 (6), 48.21 (7), 48.227 (4) (e) 2., 48.23 (4), 48.235 (3), 48.235 (6), 48.24 (1), 48.24 (1m), 48.24 (2) (a), 48.24 (2m) (a) (intro.), 48.24 (3), 48.24 (5), 48.243 (1) (intro.), (a), (b), (c), (d), (e), (f) and (g), 48.243 (4), 48.243 (3), 48.245 (1), 48.245 (2) (a) 1., 48.245 (2) (a) 2., 48.245 (2) (a) 3., 48.245 (2) (a) 4., 48.245 (2) (c), 48.245 (2r), 48.245 (3), 48.245 (4), 48.245 (5), 48.245 (8), 48.25 (1), 48.25 (2), 48.255 (1) (intro.), 48.255 (2), 48.255 (3), 48.255 (4), 48.263 (1), 48.263 (2), 48.27 (3) (a) 1., 48.27 (3) (b) 1. (intro.), 48.27 (8), 48.275 (1), 48.275 (2) (a), 48.275 (2) (b), 48.275 (2) (c), 48.275 (2) (cg) (intro.), 48.29 (1), 48.293 (2), 48.293 (3), 48.295 (1), 48.295 (1c), 48.295 (1g), 48.295 (2), 48.295 (3), 48.297 (4), 48.297 (5), 48.297 (6), 48.299 (1) (a), 48.299 (1) (ag), 48.299 (1) (b), 48.299 (4) (b), 48.299 (5), 48.30 (1), 48.30 (2), 48.30 (3), 48.30 (6), 48.30 (7), 48.30 (8) (a), 48.30 (8) (c), 48.30 (9), 48.305, 48.31 (1), 48.31 (2), 48.31 (4), 48.31 (7), 48.315 (1) (a), 48.315 (1) (b), 48.315 (1) (f), 48.32 (1), 48.32 (2) (a), 48.32 (2) (c), 48.32 (3), 48.32 (5) (intro.), 48.32 (5) (a), 48.32 (5) (b), 48.32 (6), 48.33 (1) (intro.), 48.33 (1) (a), 48.33 (1) (b), 48.33 (1) (c), 48.33 (1) (d), 48.33 (1) (f), 48.33 (2), 48.33 (4) (intro.), 48.335 (1), 48.345 (intro.), 48.345 (2), 48.345 (2m), 48.345 (13) (c), 48.35 (1) (b) (intro.), 48.35 (1) (b) 1., 48.35 (2), 48.355 (1), 48.355 (2) (a), 48.355 (2) (b) 1., 48.355 (2) (b) 1m., 48.355 (2) (b) 7., 48.355 (2) (d), 48.355 (2m), 48.355 (4), 48.355 (5), 48.355 (7), 48.356 (1), 48.356 (2), 48.357 (1), 48.357 (2), 48.357 (2m), 48.36 (2), 48.361 (1) (b), 48.361 (1) (c), 48.361 (2) (am) 1., 48.361 (2) (am) 2., 48.361 (2) (b) 1., 48.361 (2) (c), 48.362 (2), 48.362 (4) (a), 48.362 (4) (c), 48.363 (1), 48.365 (1m), 48.365 (2), 48.365 (2g) (a), 48.365 (2m) (a), 48.365 (2m) (b), 48.396 (1), 48.396 (1b), 48.396 (1d), 48.396 (5) (b), 48.396 (5) (c), 48.396 (5) (e), 48.415 (2) (a), 48.415 (2) (b) 1., 48.415 (2) (b) 2., 48.415 (2) (c), 48.44 (1), 48.45 (1) (b), 48.45 (2), 48.48 (1), 48.48 (16), 48.48 (17) (a) 1., 48.48 (17) (a) 2., 48.48 (17) (a) 3., 48.48 (17) (b), 48.52 (title), 48.52 (2) (a), 48.547 (title), 48.547 (1), 48.547 (2), 48.547 (3) (intro.), (b) and (d), 48.547 (4), 48.57 (1) (a), 48.57 (1) (b), 48.57 (1) (c), 48.57 (1) (g), 48.57 (2), 48.59 (1), 48.59 (2), 48.981 (title), 48.981 (1) (h) (intro.), 48.981 (1) (h) 2., 48.981 (2), 48.981 (3) (a), 48.981 (3) (b) 1., 48.981 (3) (b) 2., 48.981 (3) (bm) (intro.), 48.981 (3) (bm) 1., 48.981 (3) (bm) 2., 48.981 (3) (bm) 3., 48.981 (3) (c) 1., 48.981 (3) (c) 3., 48.981 (3) (c) 5., 48.981 (3) (c) 6., 48.981 (3) (c) 6m., 48.981 (3) (c) 7., 48.981 (3) (c) 8., 48.981 (3) (d) 1., 48.981 (3) (d) 2., 48.981 (4), 48.981 (7) (a) 1m., 48.981 (7) (a) 3m., 48.981 (7) (a) 4., 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 10., 48.981 (7) (a) 10m., 48.981 (7) (a) 11., 48.981 (7) (a) 11m., 48.981

* Section 991.11, WISCONSIN STATUTES 1995−96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(7) (a) 11r., 48.981 (7) (a) 17., 48.981 (8) (a), 48.981 (8) (b), 48.981 (8) (c), 48.981 (8) (d) 1., 48.981 (9), 48.985 (1), 48.985 (2), 51.13 (4) (h) 4., 51.30 (4) (b) 9., 51.30 (4) (b) 11., 51.30 (4) (b) 14., 51.30 (4) (b) 17., 51.61 (1) (intro.), 146.0255 (2), 146.0255 (3) (intro.), 146.0255 (3) (b), 146.82 (2) (a) 11., 757.69 (1) (g), 808.075 (4) (a) 4., 813.122 (1) (a), 904.085 (4) (d), 905.04 (4) (e) (title) and 938.245 (8); ***to repeal and recreate*** 48.46 (1); and ***to create*** 48.01 (1) (am), 48.01 (1) (ap), 48.01 (1) (bm), 48.02 (1) (am), 48.02 (19), 48.029, 48.065 (2) (bm), 48.08 (3), 48.133, 48.19 (1) (cm), 48.19 (1) (d) 8., 48.193, 48.20 (4m), 48.203, 48.205 (1) (d), 48.205 (1m), 48.207 (1m), 48.207 (2) (b), 48.213, 48.23 (2m), 48.235 (1) (f), 48.235 (4m), 48.24 (2m) (a) 6., 48.255 (1m), 48.27 (1) (b), 48.27 (3) (c), 48.27 (3) (d), 48.27 (4) (b), 48.345 (14), 48.345 (15), 48.347, 48.355 (2) (b) 2m., 48.357 (5r), 48.361 (2) (a) 1m., 48.361 (2) (b) 1m., 48.362 (3m), 48.396 (2) (aj), 48.396 (2) (ap), 48.45 (1) (am), 48.45 (1r), 48.52 (1m), 48.78 (2) (aj), 48.78 (2) (ap), 48.981 (1) (ct), 48.981 (1) (h) 1m., 48.981 (3) (b) 2m., 48.981 (3) (c) 2m., 51.30 (4) (b) 11m., 51.46, 301.01 (2) (cm) and 905.04 (4) (e) 3. of the statutes; **relating to:** unborn children who are at substantial risk of serious physical injury due to the habitual lack of self–control of their expectant mothers in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree and priority for pregnant women for private treatment for alcohol or other drug abuse.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1m. 38.24 (1s) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

38.24 **(1s)** (a) A court–approved alcohol or other drug abuse education program offered to individuals under s. 48.245 (2) (a) 4., 48.345 (13) (b), 48.347 (5) (b), 938.245 (2) (a) 4., 938.32 (1g) (b), 938.34 (6r) (b) or (14s) (b) 3., 938.343 (10) (c) or 938.344 (2g) (a).

SECTION 2. 46.001 of the statutes is amended to read:

46.001 Purposes of chapter. The purposes of this chapter are to conserve human resources in Wisconsin; to provide a just and humane program of services to children and unborn children in need of protection or services ~~and~~, nonmarital children and the expectant mothers of those unborn children; to prevent dependency, mental illness, developmental disability, mental infirmity and other forms of social maladjustment by a continuous attack on causes; to provide effective aid and services to all persons in need thereof and to assist those persons to achieve or regain self–dependence at the earliest possible date; to avoid duplication and waste of effort and money on the part of public and private agencies; and to coordinate and integrate a social welfare program.

SECTION 3. 46.03 (7) (a) of the statutes is amended to read:

46.03 **(7)** (a) Promote the enforcement of laws for the protection of developmentally disabled children, children and unborn children in need of protection or services and nonmarital children; and to this end cooperate with courts assigned to exercise jurisdiction under chs. 48 and 938 ~~and~~, licensed child welfare agencies and public and private institutions ~~(public and private)~~ and take the initiative in all matters involving the interests of ~~such~~ those children ~~where~~ and unborn children when adequate provision ~~therefor~~ for those interests has not already been made, including the establishment and enforcement of standards for services provided under ~~s.~~ ss. 48.345 and 48.347.

SECTION 4m. 46.238 of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

46.238 Infants and unborn children whose mothers abuse controlled substances or controlled substance analogs. If a county department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, a county department under s. 51.42 or 51.437 receives a report under s. 146.0255 (2), the county department shall offer to provide appropriate services and treatment to the child and the child's mother or to the unborn child, as defined in s. 48.02 (19), and the expectant mother of the unborn child or the county department shall make arrangements for the provision of appropriate services or treatment.

SECTION 5. 46.40 (7m) of the statutes is amended to read:

46.40 **(7m)** USE BY COUNTY OF COMMUNITY AIDS FUNDS TO PAY PRIVATE ATTORNEYS FOR CERTAIN PROCEEDINGS UNDER THE CHILDREN'S CODE. Upon application by a county department under s. 46.215, 46.22 or 46.23 to the department for permission to use funds allocated to that county department under sub. (2) to employ private counsel for the purposes specified in this subsection and a determination by the department that use of funds for those purposes does not affect any federal grants or federal funding allocated under this section, the department and the county department shall execute a contract authorizing the county department to expend, as agreed upon in the contract, funds allocated to that county department under sub. (2) to permit the county department to employ private counsel to represent the interests of the state or county in proceedings under ch. 48 relating to child abuse or neglect cases, unborn child abuse cases, proceedings to terminate parental rights and any ch. 48 cases or proceedings involving the Indian child welfare act, 25 USC 1901 to 1963.

SECTION 6. 46.51 (title) of the statutes is amended to read:

46.51 (title) **Child abuse and neglect and unborn child abuse services.**

SECTION 7. 46.51 (1) of the statutes is amended to read:

46.51 **(1)** From the amounts distributed under s. 46.40 (1) for services for children and families, the department shall distribute funds to eligible counties for services related to child abuse and neglect and to unborn child abuse, including child abuse and neglect and unborn child abuse prevention, investigation and treatment.

SECTION 8. 46.51 (3) of the statutes is amended to read:

46.51 **(3)** The department shall distribute the funds under sub. (1) to counties that have a serious problem with child abuse and neglect or with unborn child abuse according to eligibility criteria and distribution criteria to be developed by the department.

SECTION 9. 46.51 (4) of the statutes is amended to read:

46.51 **(4)** A county may use the funds distributed under this section to fund additional foster parents and treatment foster parents to care for abused and neglected children and to fund additional staff positions to provide services related to child abuse and neglect and to unborn child abuse.

SECTION 10. 46.51 (5) of the statutes is amended to read:

46.51 **(5)** A county may not use the funds distributed under this section to reduce its expenditures from other sources for services related to child abuse and neglect or to unborn child abuse below the level in the year before the year for which the funds are distributed.

SECTION 11m. 46.95 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

46.95 **(2)** (a) The secretary shall make grants from the appropriations under s. 20.435 (3) (cd) and (hh) to organizations for the provision of any of the services specified in sub. (1) (d). Grants may be made to organizations which have provided those domestic abuse services in the past or to organizations which propose to provide those services in the future. No grant may be made to fund services for child or unborn child abuse or abuse of elderly persons.

SECTION 12. 48.01 (1) (intro.) of the statutes is amended to read:

48.01 **(1)** (intro.) This chapter may be cited as "The Children's Code". In construing this chapter, the best interests of the child or unborn child shall always be of paramount consideration. This chapter shall be liberally construed to effectuate the following express legislative purposes:

SECTION 13. 48.01 (1) (a) of the statutes is amended to read:

48.01 **(1)** (a) While recognizing that the paramount goal of this chapter is to protect children and unborn children, to preserve the unity of the family, whenever appropriate, by strengthening family life through assisting parents and the expectant mothers of unborn children, whenever appropriate, in fulfilling their ~~parental~~ responsibilities as parents or expectant mothers. The courts and agencies responsible for child welfare should assist parents and the expectant mothers of unborn children in changing any circumstances in the home which might harm the child or unborn child, which may require the child to be placed outside the home or which may require the expectant mother to be taken into custody. The courts should recognize that they have the authority, in appropriate cases, not to reunite a child with his or her family. The courts and agencies responsible for child welfare should also recognize that instability and impermanence in family relationships are contrary to the welfare of children and should therefore recognize the importance of eliminating the need for children to wait unreasonable periods of time for their parents to correct the conditions that prevent their return to the family.

SECTION 14. 48.01 (1) (am) of the statutes is created to read:

48.01 **(1)** (am) To recognize that unborn children have certain basic needs which must be provided for, including the need to develop physically to their potential and the need to be free from physical harm due to the habitual lack of self−control of their expectant mothers in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree. It is further recognized that, when an expectant mother of an unborn child suffers from a habitual lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, in order to ensure that the needs of the unborn child, as described in this paragraph, are provided for, the court may determine that it is in the best interests of the unborn child for the expectant mother to be ordered to receive treatment, including inpatient treatment, for that habitual lack of self−control, consistent with any applicable law relating to the rights of the expectant mother.

SECTION 14g. 48.01 (1) (ap) of the statutes is created to read:

48.01 **(1)** (ap) To recognize the compelling need to reduce the harmful financial, societal and emotional impacts that arise and the tremendous burdens that are placed on families and the community and on the health care, social services, educational and criminal justice systems as a result of the habitual lack of self−control of expectant mothers in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, during all stages of pregnancy.

SECTION 15. 48.01 (1) (bm) of the statutes is created to read:

48.01 **(1)** (bm) To ensure that unborn children are protected against the harmful effects resulting from the habitual lack of self−control of their expectant mothers in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree. To effectuate this purpose and the purpose specified

in par. (am), it is the intent of the legislature that the provisions of this chapter that protect unborn children against those harmful effects and that provide for the needs of unborn children, as described in par. (am), shall be construed to apply throughout an expectant mother's pregnancy to the extent that application of those provisions throughout an expectant mother's pregnancy is constitutionally permissible and that expectant mothers who habitually lack self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, be encouraged to seek treatment for that habitual lack of self−control voluntarily when voluntary treatment would be practicable and effective.

SECTION 16. 48.01 (1) (br) of the statutes is amended to read:

48.01 **(1)** (br) To encourage innovative and effective prevention, intervention and treatment approaches, including collaborative community efforts and the use of community−based programs, as significant strategies in planning and implementing legislative, executive and local government policies and programs relating to children and their families and substitute families and to unborn children and their expectant mothers.

SECTION 17. 48.01 (1) (dm) of the statutes is amended to read:

48.01 **(1)** (dm) To divert children and unborn children from formal proceedings under this chapter to the extent that this is consistent with protection of children, unborn children and the public safety.

SECTION 18. 48.02 (1) (am) of the statutes is created to read:

48.02 **(1)** (am) When used in referring to an unborn child, serious physical harm inflicted on the unborn child, and the risk of serious physical harm to the child when born, caused by the habitual lack of self−control of the expectant mother of the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.

SECTION 19. 48.02 (17m) of the statutes is amended to read:

48.02 **(17m)** "Special treatment or care" means professional services which need to be provided to a child or his or her family to protect the well−being of the child, prevent placement of the child outside the home or meet the special needs of the child. "Special treatment or care" also means professional services which need to be provided to the expectant mother of an unborn child to protect the physical health of the unborn child and of the child when born from the harmful effects resulting from the habitual lack of self−control of the expectant mother in the use of alcohol, controlled substances or controlled substance analogs, exhibited to a severe degree. This term includes, but is not limited to, medical, psychological or psychiatric treatment, alcohol or other drug abuse treatment or other services which the court finds to be necessary and appropriate.

SECTION 20d. 48.02 (19) of the statutes is created to read:

48.02 **(19)** "Unborn child" means a human being from the time of fertilization to the time of birth.

SECTION 20r. 48.029 of the statutes is created to read:

48.029 Pregnancy testing prohibited. No law enforcement agency, district attorney, corporation counsel, county department, licensed child welfare agency or other person involved in the investigation or prosecution of an allegation that an unborn child has been the victim of or is at substantial risk of abuse may, without a court order, require a person to take a pregnancy test in connection with that investigation or prosecution.

SECTION 21m. 48.06 (1) (a) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.06 **(1)** (a) 1. In counties with a population of 500,000 or more, the department shall provide the court with the services necessary for investigating and supervising child welfare and unborn child welfare cases under this chapter. The department is charged with providing child welfare and unborn child welfare intake and dispositional services and with administration of the personnel and services of the child welfare and unborn child welfare intake and dispositional sections of the department. The department shall include investigative services for all children and unborn children alleged to be in need of protection or services to be provided by the department.

SECTION 22m. 48.06 (1) (a) 3. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.06 **(1)** (a) 3. The county board of supervisors does not have authority and may not assert jurisdiction over the disposition of any case ~~or,~~ child, unborn child or expectant mother of an unborn child after a written order is made under s. 48.21 or 48.213 or if a petition is filed under s. 48.25.

SECTION 23m. 48.06 (1) (am) 3. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.06 **(1)** (am) 3. Each intake worker providing services under this chapter whose responsibilities include investigation or treatment of child abuse or neglect or unborn child abuse shall successfully complete additional training in child abuse and neglect and unborn child abuse protective services approved by the department under s. 48.981 (8) (d). Not more than 4 hours of the additional training may be applied to the requirement under subd. 1.

SECTION 24m. 48.06 (2) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.06 **(2)** (c) Each intake worker providing services under this chapter whose responsibilities include investigation or treatment of child abuse or neglect or unborn child abuse shall successfully complete additional train-

ing in child abuse and neglect and unborn child abuse protective services approved by the department under s. 48.981 (8) (d). Not more than 4 hours of the additional training may be applied to the requirement under par. (b).

SECTION 25. 48.065 (1) of the statutes is amended to read:

48.065 **(1)** The board of supervisors of any county may authorize the chief judge of the judicial administrative district to appoint one or more part−time or full−time juvenile court commissioners who shall serve at the discretion of the chief judge. A juvenile court commissioner shall be licensed to practice law in this state and shall have been so licensed for at least 2 years immediately prior to appointment and shall have a demonstrated interest in the welfare of children and unborn children. The chief judge may assign law clerks, bailiffs and deputies to the court commissioner. The chief judge shall supervise juvenile court commissioners, law clerks, bailiffs and deputies, except that the chief judge may delegate any of those duties.

SECTION 26. 48.065 (2) (bm) of the statutes is created to read:

48.065 **(2)** (bm) Conduct hearings under s. 48.213 and thereafter order an adult expectant mother of an unborn child to be held in or released from custody.

SECTION 27. 48.065 (2) (gm) of the statutes is amended to read:

48.065 **(2)** (gm) Conduct uncontested proceedings under ~~s.~~ ss. 48.13 and 48.133.

SECTION 28. 48.065 (3) (c) of the statutes is amended to read:

48.065 **(3)** (c) Make dispositions other than approving consent decrees and other than dispositions in uncontested proceedings under s. 48.13 or 48.133.

SECTION 29. 48.065 (3) (e) of the statutes is amended to read:

48.065 **(3)** (e) Make changes in placements of children or of the expectant mothers of unborn children, or revisions or extensions of dispositional orders, except in uncontested proceedings under s. 48.13 or 48.133.

SECTION 30. 48.067 (1) of the statutes is amended to read:

48.067 **(1)** Provide intake services 24 hours a day, 7 days a week, for the purpose of screening children taken into custody and not released under s. 48.20 (2) and the adult expectant mothers of unborn children taken into custody and not released under s. 48.203 (1);

SECTION 31. 48.067 (2) of the statutes is amended to read:

48.067 **(2)** Interview, unless impossible, any child or expectant mother of an unborn child who is taken into physical custody and not released, and ~~where~~ when appropriate interview other available concerned parties. If the child cannot be interviewed, the intake worker shall consult with the child's parent or a responsible adult. If an adult expectant mother of an unborn child cannot be interviewed, the intake worker shall consult with an adult relative or friend of the adult expectant mother. No child may be placed in a secure detention facility unless the child has been interviewed in person by an intake worker, except that if the intake worker is in a place which is distant from the place where the child is or the hour is unreasonable, as defined by written court intake rules, and if the child meets the criteria under s. 48.208, the intake worker, after consulting by telephone with the law enforcement officer who took the child into custody, may authorize the secure holding of the child while the intake worker is en route to the in−person interview or until 8 a.m. of the morning after the night on which the child was taken into custody.

SECTION 32. 48.067 (3) of the statutes is amended to read:

48.067 **(3)** Determine whether the child or the expectant mother of an unborn child shall be held under s. 48.205 and such policies as the judge shall promulgate under s. 48.06 (1) or (2);

SECTION 33. 48.067 (4) of the statutes is amended to read:

48.067 **(4)** If the child or the expectant mother of an unborn child is not released, determine where the child or expectant mother shall be held;

SECTION 34. 48.067 (6m) of the statutes is amended to read:

48.067 **(6m)** Conduct the multidisciplinary screen in counties that have ~~a pilot~~ an alcohol and other drug abuse program under s. 48.547.

SECTION 35. 48.067 (8) of the statutes is amended to read:

48.067 **(8)** Make interim recommendations to the court concerning children, and unborn children and their expectant mothers, awaiting final disposition under s. 48.355; and

SECTION 36. 48.069 (1) (a) of the statutes is amended to read:

48.069 **(1)** (a) Supervise and assist a child and the child's family or the expectant mother of an unborn child pursuant to informal dispositions, a consent decree or order of the court.

SECTION 37. 48.069 (1) (c) of the statutes is amended to read:

48.069 **(1)** (c) Make an affirmative effort to obtain necessary or desired services for the child and the child's family or for the expectant mother of an unborn child and investigate and develop resources toward that end.

SECTION 38. 48.07 (4) of the statutes is amended to read:

48.07 **(4)** COUNTY DEPARTMENTS THAT PROVIDE DEVELOPMENTAL DISABILITIES, MENTAL HEALTH OR ALCOHOL AND OTHER DRUG ABUSE SERVICES. Within the limits of available state and federal funds and of county funds appropriated to match state funds, the court may order county departments established under s. 51.42 or 51.437

to provide special treatment or care to a child if special treatment or care has been ordered under s. 48.345 (6) and if s. 48.362 (4) applies or to provide special treatment or care to the expectant mother of an unborn child if special treatment or care has been ordered under s. 48.347 (4) and if s. 48.362 (4) applies.

SECTION 39. 48.08 (1) of the statutes is amended to read:

48.08 **(1)** It is the duty of each person appointed to furnish services to the court as provided in ss. 48.06 and 48.07 to make such investigations and exercise such discretionary powers as the judge may direct, to keep a written record of such investigations and to submit a report to the judge. Such person shall keep informed concerning the conduct and condition of ~~the~~ a child or expectant mother of an unborn child under the person's supervision and shall report ~~thereon~~ on that conduct and condition as the judge directs.

SECTION 40. 48.08 (3) of the statutes is created to read:

48.08 **(3)** Any person authorized to provide or providing intake or dispositional services for the court under s. 48.067 or 48.069 has the power of police officers and deputy sheriffs only for the purpose of taking the expectant mother of an unborn child into physical custody when the expectant mother comes voluntarily or when there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered due to the expectant mother's habitual lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.

SECTION 41. 48.09 (5) of the statutes is amended to read:

48.09 **(5)** By the district attorney or, if designated by the county board of supervisors, by the corporation counsel, in any matter arising under s. 48.13, 48.133 or 48.977. If the county board transfers this authority to or from the district attorney on or after May 11, 1990, the board may do so only if the action is effective on September 1 of an odd−numbered year and the board notifies the department of administration of that change by January 1 of that odd−numbered year.

SECTION 42. 48.133 of the statutes is created to read:

48.133 Jurisdiction over unborn children in need of protection or services and the expectant mothers of those unborn children. The court has exclusive original jurisdiction over an unborn child alleged to be in need of protection or services which can be ordered by the court whose expectant mother habitually lacks self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, to the extent that there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered unless the expectant mother receives prompt and adequate treatment for that habitual lack of self−control. The court also has exclusive original jurisdiction over the expectant mother of an unborn child described in this section.

SECTION 43. 48.135 (title) of the statutes is amended to read:

48.135 (title) **Referral of children and expectant mothers of unborn children to proceedings under chapter 51 or 55.**

SECTION 44. 48.135 (1) of the statutes is amended to read:

48.135 **(1)** If a child alleged to be in need of protection or services or a child expectant mother of an unborn child alleged to be in need of protection or services is before the court and it appears that the child or child expectant mother is developmentally disabled, mentally ill or drug dependent or suffers from alcoholism, the court may proceed under ch. 51 or 55. If an adult expectant mother of an unborn child alleged to be in need of protection or services is before the court and it appears that the adult expectant mother is drug dependent or suffers from alcoholism, the court may proceed under ch. 51.

SECTION 45. 48.135 (2) of the statutes is amended to read:

48.135 **(2)** ~~Any~~ Except as provided in ss. 48.19 to 48.21 and s. 48.345 (14), any voluntary or involuntary admissions, placements or commitments of a child made in or to an inpatient facility, as defined in s. 51.01 (10), shall be governed by ch. 51 or 55. Except as provided in ss. 48.193 to 48.213 and s. 48.347 (6), any voluntary or involuntary admissions, placements or commitments of an adult expectant mother of an unborn child made in or to an inpatient facility, as defined in s. 51.01 (10), shall be governed by ch. 51.

SECTION 46. 48.14 (5) of the statutes is amended to read:

48.14 **(5)** Proceedings under chs. 51 and 55 which apply to minors and proceedings under ch. 51 which apply to the adult expectant mothers of unborn children, if those adult expectant mothers appear to be drug dependent or to suffer from alcoholism.

SECTION 47. 48.15 of the statutes is amended to read:

48.15 Jurisdiction of other courts to determine legal custody. Nothing contained in ss. 48.13, 48.133 and 48.14 deprives other courts of the right to determine the legal custody of children by habeas corpus or to determine the legal custody or guardianship of children if the legal custody or guardianship is incidental to the determination of causes pending in the other courts. But the jurisdiction of the court assigned to exercise jurisdiction under this chapter and ch. 938 is paramount in all cases involving children alleged to come within the provisions of ss. 48.13 and 48.14 and unborn children and their expectant mothers alleged to come within the provisions of ss. 48.133 and 48.14 (5).

SECTION 48m. 48.185 (1) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

48.185 **(1)** Subject to sub. (2), venue for any proceeding under ss. 48.13, 48.133, 48.135 and 48.14 (1) to (9) may be in any of the following: the county where the child or the expectant mother of the unborn child resides or the county where the child or expectant mother is present. Venue for proceedings brought under subch. VIII is as provided in this subsection except where the child has been placed and is living outside the home of the child's parent pursuant to a dispositional order, in which case venue is as provided in sub. (2). Venue for a proceeding under s. 48.14 (10) is as provided in s. 801.50 (5s).

SECTION 49. 48.185 (2) of the statutes is amended to read:

48.185 **(2)** In an action under s. 48.41, venue shall be in the county where the birth parent or child resides at the time that the petition is filed. Venue for any proceeding under s. 48.363, 48.365 or 48.977, or any proceeding under subch. VIII when the child has been placed outside the home pursuant to a dispositional order under s. 48.345 or 48.347, shall be in the county where the dispositional order was issued, unless the child's county of residence has changed, or the parent of the child or the expectant mother of the unborn child has resided in a different county of this state for 6 months. In either case, the court may, upon a motion and for good cause shown, transfer the case, along with all appropriate records, to the county of residence of the child ~~or,~~ parent or expectant mother.

SECTION 49x. Subchapter IV (title) of chapter 48 [precedes 48.19] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER IV

HOLDING A CHILD OR AN EXPECTANT MOTHER IN CUSTODY

SECTION 50. 48.19 (1) (c) of the statutes is amended to read:

48.19 **(1)** (c) An order of the judge if made upon a showing satisfactory to the judge that the welfare of the child demands that the child be immediately removed from his or her present custody. The order shall specify that the child be held in custody under s. 48.207 (1).

SECTION 51. 48.19 (1) (cm) of the statutes is created to read:

48.19 **(1)** (cm) An order of the judge if made upon a showing satisfactory to the judge that the child is an expectant mother, that due to the child expectant mother's habitual lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered unless the child expectant mother is taken into custody and that the child expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. The order shall specify that the child expectant mother be held in custody under s. 48.207 (1).

SECTION 52. 48.19 (1) (d) 8. of the statutes is created to read:

48.19 **(1)** (d) 8. The child is an expectant mother and there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered due to the child expectant mother's habitual lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, unless the child expectant mother is taken into custody.

SECTION 53. 48.193 of the statutes is created to read:

48.193 Taking an adult expectant mother into custody. (1) An adult expectant mother of an unborn child may be taken into custody under any of the following:

(a) A warrant.

(b) A capias issued by a judge under s. 48.28.

(c) An order of the judge if made upon a showing satisfactory to the judge that due to the adult expectant mother's habitual lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered unless the adult expectant mother is taken into custody and that the adult expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. The order shall specify that the adult expectant mother be held in custody under s. 48.207 (1m).

(d) Circumstances in which a law enforcement officer believes on reasonable grounds that any of the following conditions exists:

1. A capias or warrant for the apprehension of the adult expectant mother has been issued in this state or in another state.

2. There is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered due to the adult expectant mother's habitual lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, unless the adult expectant mother is taken into custody.

3. The adult expectant mother has violated the conditions of an order under s. 48.213 (3) or the conditions of an order for temporary physical custody by an intake worker.

(2) When an adult expectant mother of an unborn child is taken into physical custody as provided in this section, the person taking the adult expectant mother into custody shall immediately attempt to notify an adult relative or friend of the adult expectant mother by the most

practical means. The person taking the adult expectant mother into custody shall continue such attempt until an adult relative or friend is notified, or the adult expectant mother is delivered to an intake worker under s. 48.203 (2), whichever occurs first. If the adult expectant mother is delivered to the intake worker before an adult relative or friend is notified, the intake worker, or another person at his or her direction, shall continue the attempt to notify until an adult relative or friend of the adult expectant mother is notified.

(3) Taking into custody is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence is lawful.

SECTION 54. 48.20 (title) of the statutes is amended to read:

48.20 (title) **Release or delivery of child from custody.**

SECTION 55. 48.20 (4m) of the statutes is created to read:

48.20 **(4m)** If the child is an expectant mother and if the unborn child or child expectant mother is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, the person taking the child expectant mother into physical custody, the intake worker or other appropriate person shall deliver the child expectant mother to a hospital as defined in s. 50.33 (2) (a) and (c) or physician's office.

SECTION 56. 48.20 (7) (b) of the statutes is amended to read:

48.20 **(7)** (b) The intake worker shall review the need to hold the child in custody and shall make every effort to release the child from custody as provided in par. (c). The intake worker shall base his or her decision as to whether to release the child or to continue to hold the child in custody on the criteria specified in s. 48.205 (1) and criteria established under s. 48.06 (1) or (2).

SECTION 57. 48.20 (8) of the statutes is amended to read:

48.20 **(8)** If a child is held in custody, the intake worker shall notify the child's parent, guardian and legal custodian of the reasons for holding the child in custody and of the child's whereabouts unless there is reason to believe that notice would present imminent danger to the child. ~~If a child who has violated the terms of aftercare supervision administered by the department of corrections or a county department is held in custody, the intake worker shall also notify the department of corrections or county department, whichever has supervision over the child, of the reasons for holding the child in custody, of the child's whereabouts and of the time and place of the detention hearing required under s. 48.21.~~ The parent, guardian and legal custodian shall also be notified of the time and place of the detention hearing required under s. 48.21, the nature and possible consequences of that hearing, and the right to present and cross−examine witnesses at the hearing. If the parent, guardian or legal custodian is not immediately available, the intake worker or another person designated by the court shall provide notice as soon as possible. When the child is ~~alleged to be in need of protection or services and is~~ 12 years of age or older, the child shall receive the same notice about the detention hearing as the parent, guardian or legal custodian. The intake worker shall notify both the child and the child's parent, guardian or legal custodian. When the child is an expectant mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., the unborn child, through the unborn child's guardian ad litem, shall receive the same notice about the whereabouts of the child expectant mother, about the reasons for holding the child expectant mother in custody and about the detention hearing as the child expectant mother and her parent, guardian or legal custodian. The intake worker shall notify the child expectant mother, her parent, guardian or legal custodian and the unborn child, by the unborn child's guardian ad litem.

SECTION 58. 48.203 of the statutes is created to read:

48.203 Release or delivery of adult expectant mother from custody. (1) A person taking an adult expectant mother of an unborn child into custody shall make every effort to release the adult expectant mother to an adult relative or friend of the adult expectant mother after counseling or warning the adult expectant mother as may be appropriate or, if an adult relative or friend is unavailable, unwilling or unable to accept the release of the adult expectant mother, the person taking the adult expectant mother into custody may release the adult expectant mother under the adult expectant mother's own supervision after counseling or warning the adult expectant mother as may be appropriate.

(2) If the adult expectant mother is not released under sub. (1), the person who took the adult expectant mother into custody shall arrange in a manner determined by the court and law enforcement agencies for the adult expectant mother to be interviewed by the intake worker under s. 48.067 (2), and shall make a statement in writing with supporting facts of the reasons why the adult expectant mother was taken into physical custody and shall give the adult expectant mother a copy of the statement in addition to giving a copy to the intake worker. When the intake interview is not done in person, the report may be read to the intake worker.

(3) If the unborn child or adult expectant mother is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, the person taking the adult expectant mother into physical custody, the intake worker or other appropriate person shall deliver the adult expectant mother to a hospital, as defined in s. 50.33 (2) (a) and (c), or physician's office.

(4) If the adult expectant mother is believed to be mentally ill, drug dependent or developmentally disabled, and exhibits conduct which constitutes a substantial probability of physical harm to herself or others, or

a substantial probability of physical impairment or injury to the adult expectant mother exists due to the impaired judgment of the adult expectant mother, and the standards of s. 51.15 are met, the person taking the adult expectant mother into physical custody, the intake worker or other appropriate person shall proceed under s. 51.15.

(5) If the adult expectant mother is believed to be an intoxicated person who has threatened, attempted or inflicted physical harm on herself or on another and is likely to inflict such physical harm unless committed, or is incapacitated by alcohol, the person taking the adult expectant mother into physical custody, the intake worker or other appropriate person shall proceed under s. 51.45 (11).

(6) (a) When an adult expectant mother is interviewed by an intake worker, the intake worker shall inform the adult expectant mother of her right to counsel.

(b) The intake worker shall review the need to hold the adult expectant mother in custody and shall make every effort to release the adult expectant mother from custody as provided in par. (c). The intake worker shall base his or her decision as to whether to release the adult expectant mother or to continue to hold the adult expectant mother in custody on the criteria specified in s. 48.205 (1m) and criteria established under s. 48.06 (1) or (2).

(c) The intake worker may release the adult expectant mother to an adult relative or friend of the adult expectant mother after counseling or warning the adult expectant mother as may be appropriate or, if an adult relative or friend is unavailable, unwilling or unable to accept the release of the adult expectant mother, the intake worker may release the adult expectant mother under the adult expectant mother's own supervision after counseling or warning the adult expectant mother as may be appropriate.

(7) If an adult expectant mother is held in custody, the intake worker shall notify the adult expectant mother and the unborn child, through the unborn child's guardian ad litem, of the reasons for holding the adult expectant mother in custody, the time and place of the detention hearing required under s. 48.213, the nature and possible consequences of that hearing, and the right to present and cross−examine witnesses at the hearing.

SECTION 59. 48.205 (title) of the statutes is amended to read:

48.205 (title) **Criteria for holding a child or expectant mother in physical custody.**

SECTION 60. 48.205 (1) (intro.) of the statutes is amended to read:

48.205 **(1)** (intro.) A child may be held under s. 48.207 (1), 48.208 or 48.209 if the intake worker determines that there is probable cause to believe the child is within the jurisdiction of the court and:

SECTION 61. 48.205 (1) (d) of the statutes is created to read:

48.205 **(1)** (d) Probable cause exists to believe that the child is an expectant mother, that if the child expectant mother is not held, there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered by the child expectant mother's habitual lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, and that the child expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her.

SECTION 62. 48.205 (1m) of the statutes is created to read:

48.205 **(1m)** An adult expectant mother of an unborn child may be held under s. 48.207 (1m) if the intake worker determines that there is probable cause to believe that the adult expectant mother is within the jurisdiction of the court, to believe that if the adult expectant mother is not held, there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered by the adult expectant mother's habitual lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, and to believe that the adult expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her.

SECTION 63. 48.205 (2) of the statutes is amended to read:

48.205 **(2)** The criteria for holding a child or the expectant mother of an unborn child in custody specified in this section shall govern the decision of all persons responsible for determining whether the action is appropriate.

SECTION 64. 48.207 (title) of the statutes is amended to read:

48.207 (title) **Places where a child or expectant mother may be held in nonsecure custody.**

SECTION 65. 48.207 (1) (intro.) of the statutes is amended to read:

48.207 **(1)** (intro.) A child held in physical custody under s. 48.205 (1) may be held in any of the following places:

SECTION 66. 48.207 (1) (g) of the statutes is amended to read:

48.207 **(1)** (g) A hospital as defined in s. 50.33 (2) (a) and (c) or physician's office if the child is held under s. 48.20 (4) or (4m).

SECTION 67. 48.207 (1m) of the statutes is created to read:

48.207 **(1m)** An adult expectant mother of an unborn child held in physical custody under s. 48.205 (1m) may be held in any of the following places:

(a) The home of an adult relative or friend of the adult expectant mother.

(b) A licensed community−based residential facility, as defined in s. 50.01 (1g), if the placement does not violate the conditions of the license.

(c) A hospital, as defined in s. 50.33 (2) (a) and (c), or a physician's office if the adult expectant mother is held under s. 48.203 (3).

(d) A place listed in s. 51.15 (2) if the adult expectant mother is held under s. 48.203 (4).

(e) An approved public treatment facility for emergency treatment if the adult expectant mother is held under s. 48.203 (5).

SECTION 68m. 48.207 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 48.207 (2) (a) and amended to read:

48.207 **(2)** (a) If a facility listed in sub. (1) (b) to (k) is used to hold ~~children~~ a child in custody, or if supervisory services of a home detention program are provided to ~~children~~ a child held under sub. (1) (a), ~~its~~ the authorized rate of the facility for the care of the child or the authorized rate for those supervisory services shall be paid by the county in a county having a population of less than 500,000 or by the department in a county having a population of 500,000 or more. If no authorized rate has been established, a reasonable sum to be fixed by the court shall be paid by the county in a county having a population of less than 500,000 or by the department in a county having a population of 500,000 or more for the supervision or care of the child.

SECTION 69m. 48.207 (2) (b) of the statutes is created to read:

48.207 **(2)** (b) If a facility listed in sub. (1m) (b) to (e) is used to hold an expectant mother of an unborn child in custody, or if supervisory services of a home detention program are provided to an expectant mother held under sub. (1m) (a), the authorized rate of the facility for the care of the expectant mother or the authorized rate for those supervisory services shall be paid by the county in a county having a population of less than 500,000 or by the department in a county having a population of 500,000 or more. If no authorized rate has been established, a reasonable sum to be fixed by the court shall be paid by the county in a county having a population of less than 500,000 or by the department in a county having a population of 500,000 or more for the supervision or care of the expectant mother.

SECTION 70. 48.208 (4) of the statutes is amended to read:

48.208 **(4)** Probable cause exists to believe that the child, having been placed in nonsecure custody by an intake worker under s. 48.207 (1) or by the judge or juvenile court commissioner under s. 48.21 (4), has run away or committed a delinquent act and no other suitable alternative exists.

SECTION 71. 48.21 (1) (b) of the statutes is amended to read:

48.21 **(1)** (b) If no petition has been filed by the time of the hearing, a child may be held in custody with approval of the judge or juvenile court commissioner for an additional 72 hours from the time of the hearing, excluding Saturdays, Sundays and legal holidays, only if, as a result of the facts brought forth at the hearing, the judge or juvenile court commissioner determines that probable cause exists to believe that the child is an imminent danger to himself or herself or to others, ~~or~~ that probable cause exists to believe that the parent, guardian or legal custodian of the child or other responsible adult is neglecting, refusing, unable or unavailable to provide adequate supervision and care or, if the child is an expectant mother who was taken into custody under s. 48.19 (1) (cm) or (d) 8., that probable cause exists to believe that there is a substantial risk that if the child expectant mother is not held, the physical health of the unborn child, and of the child when born, will be seriously affected or endangered by the child expectant mother's habitual lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, and to believe that the child expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. The extension may be granted only once for any petition. In the event of failure to file a petition within the extension period provided for in this paragraph, the judge or juvenile court commissioner shall order the child's immediate release from custody.

SECTION 72g. 48.21 (3) (title) of the statutes is amended to read:

48.21 **(3)** (title) PROCEEDINGS CONCERNING CHILDREN IN NEED OF PROTECTION OR SERVICES AND UNBORN CHILDREN IN NEED OF PROTECTION OR SERVICES AND THEIR CHILD EXPECTANT MOTHERS.

SECTION 72m. 48.21 (3) (ag) of the statutes, as affected by 1997 Wisconsin Act 35, is amended to read:

48.21 **(3)** (ag) Proceedings concerning a child who comes within the jurisdiction of the court under s. 48.13 or an unborn child and a child expectant mother of the unborn child who come within the jurisdiction of the court under s. 48.133 shall be conducted according to this subsection.

SECTION 73. 48.21 (3) (b) of the statutes is amended to read:

48.21 **(3)** (b) If present at the hearing, a copy of the petition shall be given to the parent, guardian or legal custodian, and to the child if he or she is 12 years of age or older, before the hearing begins. If the child is an expectant mother who has been taken into custody under s.

48.19 (1) (cm) or (d) 8., a copy of the petition shall also be given to the unborn child, through the unborn child's guardian ad litem, before the hearing begins. Prior notice of the hearing shall be given to the child's parent, guardian and legal custodian ~~and,~~ to the child if he or she is 12 years of age or older and, if the child is an expectant mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., to the unborn child, through the unborn child's guardian ad litem, in accordance with s. 48.20 (8).

SECTION 74. 48.21 (6) of the statutes is amended to read:

48.21 **(6)** AMENDMENT OF ORDER. An order placing a child under sub. (4) (a) on conditions specified in this section may at any time be amended, with notice, so as to ~~return~~ place the child ~~to~~ in another form of custody for failure to conform to the conditions originally imposed. A child may be transferred to secure custody if he or she meets the criteria of s. 48.208.

SECTION 75. 48.21 (7) of the statutes is amended to read:

48.21 **(7)** INFORMAL DISPOSITION. If the judge or juvenile court commissioner determines that the best interests of the child and the public are served or, in the case of a child expectant mother who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., that the best interests of the unborn child and the public are served, he or she may enter a consent decree under s. 48.32 or order the petition dismissed and refer the matter to the intake worker for informal disposition in accordance with s. 48.245.

SECTION 76. 48.213 of the statutes is created to read:

48.213 Hearing for adult expectant mother in custody. (1) HEARING; WHEN HELD. (a) If an adult expectant mother of an unborn child who has been taken into custody is not released under s. 48.203, a hearing to determine whether the adult expectant mother shall continue to be held in custody under the criteria of s. 48.205 (1m) shall be conducted by the judge or juvenile court commissioner within 48 hours after the time that the decision to hold the adult expectant mother was made, excluding Saturdays, Sundays and legal holidays. By the time of the hearing a petition under s. 48.25 shall be filed, except that no petition need be filed when an adult expectant mother is taken into custody under s. 48.193 (1) (b) or (d) 1. or 3., in which case a written statement of the reasons for holding the adult expectant mother in custody shall be substituted if the petition is not filed. If no hearing has been held within those 48 hours, excluding Saturdays, Sundays and legal holidays, or if no petition or statement has been filed at the time of the hearing, the adult expectant mother shall be released except as provided in par. (b).

(b) If no petition has been filed by the time of the hearing, an adult expectant mother of an unborn child may be held in custody with the approval of the judge or juvenile court commissioner for an additional 72 hours after the time of the hearing, excluding Saturdays, Sundays and legal holidays, only if, as a result of the facts brought forth at the hearing, the judge or juvenile court commissioner determines that probable cause exists to believe that there is a substantial risk that if the adult expectant mother is not held, the physical health of the unborn child, and of the child when born, will be seriously affected or endangered by the adult expectant mother's habitual lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, and to believe that the adult expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. The extension may be granted only once for any petition. In the event of failure to file a petition within the extension period provided for in this paragraph, the judge or juvenile court commissioner shall order the adult expectant mother's immediate release from custody.

(2) PROCEEDINGS CONCERNING UNBORN CHILDREN IN NEED OF PROTECTION OR SERVICES AND THEIR ADULT EXPECTANT MOTHERS. (a) Proceedings concerning an unborn child and an adult expectant mother of the unborn child who come within the jurisdiction of the court under s. 48.133 shall be conducted according to this subsection.

(b) The adult expectant mother may waive the hearing under this section. After any waiver, a hearing shall be granted at the request of any interested party.

(c) A copy of the petition shall be given to the adult expectant mother, and to the unborn child, through the unborn child's guardian ad litem, before the hearing begins. Prior notice of the hearing shall be given to the adult expectant mother and unborn child in accordance with s. 48.203 (7).

(d) Prior to the commencement of the hearing, the adult expectant mother and the unborn child, through the unborn child's guardian ad litem, shall be informed by the court of the allegations that have been made or may be made, the nature and possible consequences of this hearing as compared to possible future hearings, the right to confront and cross−examine witnesses and the right to present witnesses.

(e) If the adult expectant mother is not represented by counsel at the hearing and the adult expectant mother is continued in custody as a result of the hearing, the adult expectant mother may request through counsel subsequently appointed or retained or through a guardian ad litem that the order to hold the adult expectant mother in custody be reheard. If the request is made, a rehearing shall take place as soon as possible. Any order to hold the adult expectant mother in custody shall be subject to rehearing for good cause, whether or not counsel was present.

(3) CONTINUATION OF CUSTODY. If the judge or juvenile court commissioner finds that the adult expectant

mother should be continued in custody under the criteria of s. 48.205 (1m), the judge or juvenile court commissioner shall enter one of the following orders:

(a) Release the adult expectant mother and impose reasonable restrictions on the adult expectant mother's travel, association with other persons or places of abode during the period of the order, including a condition requiring the adult expectant mother to return to other custody as requested; or subject the adult expectant mother to the supervision of an agency agreeing to supervise the adult expectant mother. Reasonable restrictions may be placed upon the conduct of the adult expectant mother which may be necessary to ensure the safety of the unborn child and of the child when born.

(b) Order the adult expectant mother to be held in an appropriate manner under s. 48.207 (1m).

(4) ORDERS IN WRITING. All orders to hold an adult expectant mother of an unborn child in custody shall be in writing, listing the reasons and criteria forming the basis for the decision.

(5) AMENDMENT OF ORDER. An order under sub. (3) (a) imposing restrictions on an adult expectant mother of an unborn child may at any time be amended, with notice, so as to place the adult expectant mother in another form of custody for failure of the adult expectant mother to conform to the conditions originally imposed.

(6) INFORMAL DISPOSITION. If the judge or juvenile court commissioner determines that the best interests of the unborn child and the public are served, the judge or juvenile court commissioner may enter a consent decree under s. 48.32 or order the petition dismissed and refer the matter to the intake worker for informal disposition in accordance with s. 48.245.

SECTION 77. 48.227 (4) (e) 2. of the statutes is amended to read:

48.227 **(4)** (e) 2. That, with the consent of the child and the runaway home, the child remain in the care of the runaway home for a period of not more than 20 days. Without further proceedings, the child shall be released whenever the child indicates, either by statement or conduct, that he or she wishes to leave the home or whenever the runaway home withdraws its consent. During this time period not to exceed 20 days ordered by the court, the child's parent, guardian or legal custodian may not remove the child from the home but may confer with the child or with the person operating the home. If, at the conclusion of the time period ordered by the court the child has not left the home, and no petition concerning the child has been filed under s. 48.13, 48.133, 938.12 or 938.13, the child shall be released from the home. If a petition concerning the child has been filed under s. 48.13, 48.133, 938.12 or 938.13, the child may be held in temporary physical custody under ss. 48.20 to 48.21 or 938.20 to 938.21.

SECTION 78. 48.23 (2m) of the statutes is created to read:

48.23 **(2m)** RIGHT OF EXPECTANT MOTHER TO COUNSEL. (a) When an unborn child is alleged to be in need of protection or services under s. 48.133, the expectant mother of the unborn child, if the expectant mother is a child, shall be represented by counsel and may not waive counsel.

(b) If a petition under s. 48.133 is contested, no expectant mother may be placed outside of her home unless the expectant mother is represented by counsel at the fact−finding hearing and subsequent proceedings. If the petition is not contested, the expectant mother may not be placed outside of her home unless the expectant mother is represented by counsel at the hearing at which the placement is made. An adult expectant mother, however, may waive counsel if the court is satisfied that the waiver is knowingly and voluntarily made and the court may place the adult expectant mother outside of her home even though the adult expectant mother was not represented by counsel.

(c) For an expectant mother under 12 years of age, the judge may appoint a guardian ad litem instead of counsel.

SECTION 79. 48.23 (4) of the statutes is amended to read:

48.23 **(4)** PROVIDING COUNSEL. In any situation under this section in which a person has a right to be represented by counsel or is provided counsel at the discretion of the court and counsel is not knowingly and voluntarily waived, the court shall refer the person to the state public defender and counsel shall be appointed by the state public defender under s. 977.08 without a determination of indigency. If the referral is of a person who has filed a petition under s. 48.375 (7), the state public defender shall appoint counsel within 24 hours after that referral. Any counsel appointed in a petition filed under s. 48.375 (7) shall continue to represent the child in any appeal brought under s. 809.105 unless the child requests substitution of counsel or extenuating circumstances make it impossible for counsel to continue to represent the child. In any situation under sub. (2) or (2m) in which a parent 18 years of age or ~~older~~ over or an adult expectant mother is entitled to representation by counsel; counsel is not knowingly and voluntarily waived; and it appears that the parent or adult expectant mother is unable to afford counsel in full, or the parent or adult expectant mother so indicates; the court shall refer the parent or adult expectant mother to the authority for indigency determinations specified under s. 977.07 (1). In any other situation under this section in which a person has a right to be represented by counsel or is provided counsel at the discretion of the court, competent and independent counsel shall be provided and reimbursed in any manner suitable to the court regardless of the person's ability to pay, except that the court may not order a person who files a petition under s. 813.122 or 813.125 to reimburse counsel for the child who is named as the respondent in that petition.

SECTION 80. 48.235 (1) (f) of the statutes is created to read:

48.235 **(1)** (f) The court shall appoint a guardian ad litem, or extend the appointment of a guardian ad litem previously appointed under par. (a), for any unborn child alleged or found to be in need of protection or services.

SECTION 81. 48.235 (3) of the statutes is amended to read:

48.235 **(3)** DUTIES AND RESPONSIBILITIES. (a) The guardian ad litem shall be an advocate for the best interests of the person or unborn child for whom the appointment is made. The guardian ad litem shall function independently, in the same manner as an attorney for a party to the action, and shall consider, but shall not be bound by, the wishes of ~~such~~ that person or the positions of others as to the best interests of ~~such~~ that person or unborn child. If the guardian ad litem determines that the best interests of the person are substantially inconsistent with the wishes of ~~such~~ that person, the guardian ad litem shall so inform the court and the court may appoint counsel to represent that person. The guardian ad litem has none of the rights or duties of a general guardian.

(b) In addition to any other duties and responsibilities required of a guardian ad litem, a guardian ad litem appointed for a child who is the subject of a proceeding under s. 48.13 or for an unborn child who is the subject of a proceeding under s. 48.133 shall do all of the following:

1. Unless granted leave by the court not to do so, personally, or through a trained designee, meet with the child or expectant mother of the unborn child, assess the appropriateness and safety of the ~~child's~~ environment of the child or unborn child and, if the child is old enough to communicate, interview the child and determine the child's goals and concerns regarding his or her placement.

2. Make clear and specific recommendations to the court concerning the best interest of the child or unborn child at every stage of the proceeding.

SECTION 82. 48.235 (4m) of the statutes is created to read:

48.235 **(4m)** MATTERS INVOLVING UNBORN CHILD IN NEED OF PROTECTION OR SERVICES. (a) In any matter involving an unborn child found to be in need of protection or services, the guardian ad litem may, if reappointed or if the appointment is continued under sub. (7), do any of the following:

1. Participate in permanency planning under ss. 48.38 and 48.43 (5) after the child is born.

2. Petition for a change in placement under s. 48.357.

3. Petition for termination of parental rights or any other matter specified under s. 48.14 after the child is born.

3m. Petition for a commitment of the expectant mother of the unborn child under ch. 51 as specified in s. 48.14 (5).

4. Petition for revision of dispositional orders under s. 48.363.

5. Petition for extension of dispositional orders under s. 48.365.

6. Petition for a temporary restraining order and injunction under s. 813.122 or 813.125 after the child is born.

7. Petition for relief from a judgment terminating parental rights under s. 48.46 after the child is born.

7g. Petition for the appointment of a guardian under s. 48.977 (2), the revision of a guardianship order under s. 48.977 (6) or the removal of a guardian under s. 48.977 (7) after the child is born.

7m. Bring an action or motion for the determination of the child's paternity under s. 767.45 after the child is born.

8. Perform any other duties consistent with this chapter.

(b) The court shall order the agency identified under s. 48.355 (2) (b) 1. as primarily responsible for the provision of services to notify the guardian ad litem, if any, regarding actions to be taken under par. (a).

SECTION 83. 48.235 (6) of the statutes is amended to read:

48.235 **(6)** COMMUNICATION TO A JURY. In jury trials under this chapter, the guardian ad litem or the court may tell the jury that the guardian ad litem represents the interests of the person or unborn child for whom the guardian ad litem was appointed.

SECTION 84. 48.24 (1) of the statutes is amended to read:

48.24 **(1)** Information indicating that a child or an unborn child should be referred to the court as in need of protection or services shall be referred to the intake worker, who shall conduct an intake inquiry on behalf of the court to determine whether the available facts establish prima facie jurisdiction and to determine the best interests of the child or unborn child and of the public with regard to any action to be taken.

SECTION 85. 48.24 (1m) of the statutes is amended to read:

48.24 **(1m)** As part of the intake inquiry, the intake worker shall inform the child and the child's parent, guardian and legal custodian that they, or the adult expectant mother of an unborn child that she, may request counseling from a person designated by the court to provide dispositional services under s. 48.069.

SECTION 86. 48.24 (2) (a) of the statutes is amended to read:

48.24 **(2)** (a) As part of the intake inquiry the intake worker may conduct multidisciplinary screens and intake conferences with notice to the child, parent, guardian and legal custodian or to the adult expectant mother of the unborn child. If sub. (2m) applies, the intake worker shall conduct a multidisciplinary screen under s. 48.547 if the

child or expectant mother has not refused to participate under par. (b).

SECTION 87. 48.24 (2m) (a) (intro.) of the statutes is amended to read:

48.24 **(2m)** (a) (intro.) In counties that have ~~a pilot~~ an alcohol and other drug abuse program under s. 48.547, a multidisciplinary screen shall be conducted for:

SECTION 88. 48.24 (2m) (a) 6. of the statutes is created to read:

48.24 **(2m)** (a) 6. Any expectant mother 12 years of age or over who requests and consents to a multidisciplinary screen.

SECTION 89. 48.24 (3) of the statutes is amended to read:

48.24 **(3)** If the intake worker determines as a result of the intake inquiry that the child or unborn child should be referred to the court, the intake worker shall request that the district attorney, corporation counsel or other official specified in s. 48.09 file a petition.

SECTION 90. 48.24 (5) of the statutes is amended to read:

48.24 **(5)** The intake worker shall request that a petition be filed, enter into an informal disposition or close the case within 40 days or sooner of receipt of referral information. If the case is closed or an informal disposition is entered into, the district attorney, corporation counsel or other official under s. 48.09 shall receive written notice of such action. If a law enforcement officer has made a recommendation concerning the child, or the unborn child and the expectant mother of the unborn child, the intake worker shall forward this recommendation to the district attorney, corporation counsel or other official under s. 48.09. With respect to petitioning a child or unborn child to be in need of protection or services, information received more than 40 days before filing the petition may be included to establish a condition or pattern which, together with information received within the 40−day period, provides a basis for conferring jurisdiction on the court. The judge shall dismiss with prejudice any such petition which is not referred or filed within the time limits specified within this subsection.

SECTION 91. 48.243 (1) (intro.), (a), (b), (c), (d), (e), (f) and (g) of the statutes are amended to read:

48.243 **(1)** (intro.) Before conferring with the parent, expectant mother or child during the intake inquiry, the intake worker shall personally inform parents, expectant mothers and children 12 years of age or older who are the focus of an inquiry regarding the need for protection or services that the referral may result in a petition to the court and of all of the following:

(a) What allegations could be in the petition~~;~~.

(b) The nature and possible consequences of the proceedings~~;~~.

(c) The right to remain silent and the fact that silence of any party may be relevant~~;~~.

(d) The right to confront and cross−examine those appearing against them~~;~~.

(e) The right ~~of the child~~ to counsel under s. 48.23~~;~~.

(f) The right to present and subpoena witnesses~~;~~.

(g) The right to a jury trial~~; and~~.

SECTION 92m. 48.243 (4) of the statutes, as affected by 1997 Wisconsin Act 35, is amended to read:

48.243 **(4)** This section does not apply if the child or expectant mother was present at a hearing under s. 48.21 or 48.213.

SECTION 93. 48.243 (3) of the statutes is amended to read:

48.243 **(3)** If the child or expectant mother has not had a hearing under s. 48.21 or 48.213 and was not present at an intake conference under s. 48.24, the intake worker shall inform the child, parent, guardian and legal custodian, or expectant mother, as appropriate ~~of~~, of the basic rights provided under this section. ~~This~~ The notice shall be given verbally, either in person or by telephone, and in writing. This notice shall be given so as to allow the child, parent, guardian ~~or~~, legal custodian or adult expectant mother sufficient time to prepare for the plea hearing. This subsection does not apply to cases of informal disposition under s. 48.245.

SECTION 94. 48.245 (1) of the statutes is amended to read:

48.245 **(1)** The intake worker may enter into a written agreement with all parties which imposes informal disposition under this section if the intake worker has determined that neither the interests of the child or unborn child nor of the public require filing of a petition for circumstances relating to ss. 48.13 to 48.14. Informal disposition shall be available only if the facts persuade the intake worker that the jurisdiction of the court, if sought, would exist and upon consent of the child, parent, guardian and legal custodian; or upon consent of the child expectant mother, her parent, guardian and legal custodian and the unborn child, by the unborn child's guardian ad litem; or upon consent of the adult expectant mother and the unborn child, by the unborn child's guardian ad litem.

SECTION 95. 48.245 (2) (a) 1. of the statutes is amended to read:

48.245 **(2)** (a) 1. That the child appear with a parent, guardian or legal custodian for counseling and advice or that the adult expectant mother appear for counseling and advice.

SECTION 96. 48.245 (2) (a) 2. of the statutes is amended to read:

48.245 **(2)** (a) 2. That the child and a parent, guardian and legal custodian abide by such obligations as will tend to ensure the ~~child's~~ rehabilitation, protection or care of the child or that the expectant mother abide by such obligations as will tend to ensure the protection or care of the unborn child and the rehabilitation of the expectant mother.

SECTION 97. 48.245 (2) (a) 3. of the statutes is amended to read:

48.245 **(2)** (a) 3. That the child or expectant mother submit to an alcohol and other drug abuse assessment that conforms to the criteria specified under s. 48.547 (4) and that is conducted by an approved treatment facility for an examination of the ~~child's~~ use of alcohol beverages, controlled substances or controlled substance analogs by the child or expectant mother and any medical, personal, family or social effects caused by its use, if the multidisciplinary screen conducted under s. 48.24 (2) shows that the child or expectant mother is at risk of having needs and problems related to the use of alcohol beverages, controlled substances or controlled substance analogs and its medical, personal, family or social effects.

SECTION 98. 48.245 (2) (a) 4. of the statutes is amended to read:

48.245 **(2)** (a) 4. That the child or expectant mother participate in an alcohol and other drug abuse outpatient treatment program or an education program relating to the abuse of alcohol beverages, controlled substances or controlled substance analogs, if an alcohol and other drug abuse assessment conducted under subd. 3. recommends outpatient treatment or education.

SECTION 99. 48.245 (2) (c) of the statutes is amended to read:

48.245 **(2)** (c) If the informal disposition provides for alcohol and other drug abuse outpatient treatment under par. (a) 4., the child and the child's parent, guardian or legal custodian, or the adult expectant mother, shall execute an informed consent form that indicates that they are, or that she is, voluntarily and knowingly entering into an informal disposition agreement for the provision of alcohol and other drug abuse outpatient treatment.

SECTION 100. 48.245 (2r) of the statutes is amended to read:

48.245 **(2r)** If an informal disposition is based on allegations that a child or an unborn child is in need of protection or services, the intake worker may, after giving written notice to the child and the child's parent, guardian and legal custodian and their counsel, if any, or after giving written notice to the child expectant mother, her parent, guardian and legal custodian and their counsel, if any, and the unborn child by the unborn child's guardian ad litem, or after giving written notice to the adult expectant mother, her counsel, if any, and the unborn child, by the unborn child's guardian ad litem, extend the informal disposition for up to an additional 6 months unless the child or the child's parent, guardian or legal custodian, the child expectant mother, her parent, guardian or legal custodian or the unborn child by the unborn child's guardian ad litem, or the adult expectant mother or the unborn child by the unborn child's guardian ad litem, objects to the extension. If the child or the child's parent, guardian or legal custodian, the child expectant mother, her parent, guardian or legal custodian or the unborn child by the unborn child's guardian ad litem, or the adult expectant mother or the unborn child by the unborn child's guardian ad litem, objects to the extension, the intake worker may recommend to the district attorney or corporation counsel that a petition be filed under s. 48.13 or 48.133. An extension under this subsection may be granted only once for any informal disposition. An extension under this subsection of an informal disposition relating to an unborn child who is alleged to be in need of protection or services may be granted after the child is born.

SECTION 101. 48.245 (3) of the statutes is amended to read:

48.245 **(3)** The obligations imposed under an informal disposition and its effective date shall be set forth in writing. The child and a parent, guardian and legal custodian, the child expectant mother, her parent, guardian and legal custodian and the unborn child by the unborn child's guardian ad litem, or the adult expectant mother and the unborn child by the unborn child's guardian ad litem, shall receive a copy, as shall any agency providing services under the agreement.

SECTION 102m. 48.245 (4) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

48.245 **(4)** The intake worker shall inform the child and the child's parent, guardian and legal custodian, the child expectant mother, her parent, guardian and legal custodian and the unborn child by the unborn child's guardian ad litem, or the adult expectant mother and the unborn child by the unborn child's guardian ad litem, in writing of their right to terminate the informal disposition at any time or object at any time to the fact or terms of the informal disposition. If an objection arises the intake worker may alter the terms of the agreement or request the district attorney or corporation counsel to file a petition. If the informal disposition is terminated the intake worker may request the district attorney or corporation counsel to file a petition.

SECTION 103. 48.245 (5) of the statutes is amended to read:

48.245 **(5)** Informal disposition shall be terminated upon the request of the child, parent, guardian or legal custodian, upon request of the child expectant mother, her parent, guardian or legal custodian or the unborn child by the unborn child's guardian ad litem, or upon the request of the adult expectant mother or the unborn child by the unborn child's guardian ad litem.

SECTION 104. 48.245 (8) of the statutes is amended to read:

48.245 **(8)** If the obligations imposed under the informal disposition are met, the intake worker shall so inform the child and a parent, guardian and legal custodian, the child expectant mother, her parent, guardian and legal custodian and the unborn child by the unborn child's guardian ad litem, or the adult expectant mother and the unborn child by the unborn child's guardian ad litem, in

writing, and no petition may be filed on the charges that brought about the informal disposition nor may the charges be the sole basis for a petition under ss. 48.13 to 48.14.

SECTION 105. 48.25 (1) of the statutes is amended to read:

48.25 **(1)** A petition initiating proceedings under this chapter shall be signed by a person who has knowledge of the facts alleged or is informed of them and believes them to be true. The district attorney, corporation counsel or other appropriate official specified under s. 48.09 may file the petition if the proceeding is under s. 48.13 or 48.133. The counsel or guardian ad litem for a parent, relative, guardian or child may file a petition under s. 48.13 or 48.14. The counsel or guardian ad litem for an expectant mother or the guardian ad litem for an unborn child may file a petition under s. 48.133. The district attorney, corporation counsel or other appropriate person designated by the court may initiate proceedings under s. 48.14 in a manner specified by the court.

SECTION 106. 48.25 (2) of the statutes is amended to read:

48.25 **(2)** If the proceeding is brought under s. 48.13 or 48.133, the district attorney, corporation counsel or other appropriate official shall file the petition, close the case, or refer the case back to intake within 20 days after the date that the intake worker's recommendation was filed. A referral back to intake may be made only when the district attorney, corporation counsel or other appropriate official decides not to file a petition or determines that further investigation is necessary. If the case is referred back to intake upon a decision not to file a petition, the intake worker shall close the case or enter into an informal disposition within 20 days. If the case is referred back to intake for further investigation, the appropriate agency or person shall complete the investigation within 20 days. If another referral is made to the district attorney, corporation counsel or other appropriate official, it shall be considered a new referral to which the time limits of this subsection shall apply. The time limits in this subsection may only be extended by a judge upon a showing of good cause under s. 48.315. If a petition is not filed within the time limitations set forth in this subsection and the court has not granted an extension, the petition shall be accompanied by a statement of reasons for the delay. The court shall dismiss with prejudice a petition which was not timely filed unless the court finds at the plea hearing that good cause has been shown for failure to meet the time limitations.

SECTION 107. 48.255 (1) (intro.) of the statutes is amended to read:

48.255 **(1)** (intro.) A petition initiating proceedings under this chapter, other than a petition under s. 48.133, shall be entitled, "In the interest of (child's name), a person under the age of 18" and shall set forth with specificity:

SECTION 108. 48.255 (1m) of the statutes is created to read:

48.255 **(1m)** A petition initiating proceedings under s. 48.133 shall be entitled "In the interest of (J. Doe), an unborn child, and (expectant mother's name), the unborn child's expectant mother" and shall set forth with specificity:

(a) The estimated gestational age of the unborn child.

(b) The name, birth date and address of the expectant mother.

(bm) The names and addresses of the parent, guardian, legal custodian or spouse, if any, of the expectant mother, if the expectant mother is a child, the name and address of the spouse, if any, of the expectant mother, if the expectant mother is an adult, or, if no such person can be identified, the name and address of the nearest relative of the expectant mother.

(c) Whether the expectant mother is in custody and, if so, the place where the expectant mother is being held and the time when the expectant mother was taken into custody unless there is reasonable cause to believe that disclosure of that information would result in imminent danger to the unborn child, expectant mother or physical custodian.

(d) Whether the unborn child, when born, may be subject to the federal Indian Child Welfare Act, 25 USC 1911 to 1963.

(e) Reliable and credible information which forms the basis of the allegations necessary to invoke the jurisdiction of the court under s. 48.133 and to provide reasonable notice of the conduct or circumstances to be considered by the court, together with a statement that the unborn child is in need of protection or care and that the expectant mother is in need of supervision, services, care or rehabilitation.

SECTION 109. 48.255 (2) of the statutes is amended to read:

48.255 **(2)** If any of the facts ~~in~~ required under sub. (1) (a) to (cm) or (1m) (a) to (d) are not known or cannot be ascertained by the petitioner, the petition shall so state.

SECTION 110. 48.255 (3) of the statutes is amended to read:

48.255 **(3)** If the information required under sub. (1) (e) or (1m) (e) is not stated, the petition shall be dismissed or amended under s. 48.263 (2).

SECTION 111. 48.255 (4) of the statutes is amended to read:

48.255 **(4)** A copy of ~~the~~ a petition under sub. (1) shall be given to the child if the child is 12 years of age or ~~older~~ over and to the parents, guardian, legal custodian and physical custodian. A copy of a petition under sub. (1m) shall be given to the child expectant mother, if 12 years of age or over, her parents, guardian, legal custodian and physical custodian and the unborn child by the unborn child's guardian ad litem or to the adult expectant mother, the unborn child through the unborn child's guardian ad

litem and the physical custodian of the expectant mother, if any. A copy of a petition under sub. (1) or (1m) shall also be given to the tribe or band with which the child is affiliated or with which the unborn child may be eligible for affiliation when born, if the child is an Indian child or the unborn child may be an Indian child when born.

SECTION 112. 48.263 (1) of the statutes is amended to read:

48.263 **(1)** Except as provided in s. 48.255 (3), no petition, process or other proceeding may be dismissed or reversed for any error or mistake if the case and the identity of the child or expectant mother named in the petition may be readily understood by the court; and the court may order an amendment curing the defects.

SECTION 113. 48.263 (2) of the statutes is amended to read:

48.263 **(2)** With reasonable notification to the interested parties and prior to the taking of a plea under s. 48.30, the petition may be amended at the discretion of the court or person who filed the petition. After the taking of a plea, ~~if the child is alleged to be in need of protection or services,~~ the petition may be amended provided any objecting party is allowed a continuance for a reasonable time.

SECTION 114. 48.27 (1) of the statutes is renumbered 48.27 (1) (a) and amended to read:

48.27 **(1)** (a) After a petition has been filed relating to facts concerning a situation specified under ~~ss.~~ s. 48.13 or a situation specified in s. 48.133 involving an expectant mother who is a child, unless the parties under sub. (3) voluntarily appear, the court may issue a summons requiring the person who has legal custody of the child to appear personally, and, if the court so orders, to bring the child before the court at a time and place stated.

SECTION 115. 48.27 (1) (b) of the statutes is created to read:

48.27 **(1)** (b) After a petition has been filed relating to facts concerning a situation specified under s. 48.133 involving an expectant mother who is an adult, unless the adult expectant mother voluntarily appears, the court may issue a summons requiring the adult expectant mother to appear personally before the court at a time and place stated.

SECTION 116. 48.27 (3) (a) 1. of the statutes is amended to read:

48.27 **(3)** (a) 1. ~~The~~ If the petition that was filed relates to facts concerning a situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother who is a child, the court shall also notify, under s. 48.273, the child, any parent, guardian and legal custodian of the child, any foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child, the unborn child by the unborn child's guardian ad litem, if applicable, and any person specified in par. (b) or (d), if applicable, of all hearings involving the child except hearings on motions for which notice need only be provided to the child and his or her counsel. ~~Where~~ When parents who are entitled to notice have the same place of residence, notice to one shall constitute notice to the other. The first notice to any interested party, foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) shall be written and may have a copy of the petition attached to it. Thereafter, notice of hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the time notice was given and the person to whom he or she spoke.

SECTION 117. 48.27 (3) (b) 1. (intro.) of the statutes is amended to read:

48.27 **(3)** (b) 1. (intro.) Except as provided in subd. 2., if the petition that was filed relates to facts concerning a situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother who is a child and if the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry as provided under s. 767.60 and if paternity has not been established, the court shall notify, under s. 48.273, all of the following persons:

SECTION 118. 48.27 (3) (c) of the statutes is created to read:

48.27 **(3)** (c) If the petition that was filed relates to facts concerning a situation under s. 48.133 involving an expectant mother who is an adult, the court shall notify, under s. 48.273, the unborn child by the unborn child's guardian ad litem, the expectant mother, the physical custodian of the expectant mother, if any, and any person specified in par. (d), if applicable, of all hearings involving the unborn child and expectant mother except hearings on motions for which notice need only be provided to the expectant mother and her counsel and the unborn child through the unborn child's guardian ad litem. The first notice to any interested party shall be written and may have a copy of the petition attached to it. Thereafter, notice of hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the time notice was given and the person to whom he or she spoke.

SECTION 119. 48.27 (3) (d) of the statutes is created to read:

48.27 **(3)** (d) If the petition that was filed relates to facts concerning a situation under s. 48.133 concerning an unborn child who, when born, will be an Indian child, the court shall notify, under s. 48.273, the tribe or band with which the unborn child will be affiliated when born and that tribe or band may, at the court's discretion, intervene in the proceeding before the unborn child is born.

SECTION 120. 48.27 (4) (intro.) of the statutes is renumbered 48.27 (4) (a) (intro.) and amended to read:

48.27 **(4)** (a) (intro.) ~~The~~ A notice under sub. (3) (a) or (b) shall:

SECTION 121. 48.27 (4) (b) of the statutes is created to read:

48.27 **(4)** (b) A notice under sub. (3) (c) shall:

(a) Contain the name of the adult expectant mother, and the nature, location, date and time of the hearing.

(b) Advise the adult expectant mother of her right to legal counsel regardless of ability to pay.

SECTION 122. 48.27 (8) of the statutes is amended to read:

48.27 **(8)** When a petition is filed under s. 48.13 or when a petition involving an expectant mother who is a child is filed under s. 48.133, the court shall notify, in writing, the child's parents or guardian that they may be ordered to reimburse this state or the county for the costs of legal counsel provided for the child, as provided under s. 48.275 (2).

SECTION 123. 48.275 (1) of the statutes is amended to read:

48.275 **(1)** If the court finds a child to be in need of protection or services under s. 48.13 or an unborn child of an expectant mother who is a child to be in need of protection or services under s. 48.133, the court shall order the ~~parents~~ parent of the child to contribute toward the expense of post−adjudication services to the child expectant mother and the child when born the proportion of the total amount which the court finds the ~~parents are~~ parent is able to pay. If the court finds an unborn child of an expectant mother who is an adult to be in need of protection or services under s. 48.133, the court shall order the adult expectant mother to contribute toward the expense of post−adjudication services to the adult expectant mother and the child when born the proportion of the total amount which the court finds the adult expectant mother is able to pay.

SECTION 124. 48.275 (2) (a) of the statutes is amended to read:

48.275 **(2)** (a) If this state or a county provides legal counsel to a child who is subject to a proceeding under s. 48.13 or to a child expectant mother who is subject to a proceeding under s. 48.133, the court shall order the child's parent to reimburse the state or county in accordance with par. (b) or (c). If this state or a county provides legal counsel to an adult expectant mother who is subject to a proceeding under s. 48.133, the court shall order the adult expectant mother to reimburse the state or county in accordance with par. (b) or (c). The court may not order reimbursement if a parent is the complaining or petitioning party or if the court finds that the interests of the parent and the interests of the child in the proceeding are substantially and directly adverse and that reimbursement would be unfair to the parent. The court may not order reimbursement until the completion of the proceeding or until the state or county is no longer providing the child or expectant mother with legal counsel in the proceeding.

SECTION 125. 48.275 (2) (b) of the statutes is amended to read:

48.275 **(2)** (b) If this state provides the child or adult expectant mother with legal counsel and the court orders reimbursement under par. (a), the child's parent or the adult expectant mother may request the state public defender to determine whether the parent or adult expectant mother is indigent as provided under s. 977.07 and to determine the amount of reimbursement. If the parent or adult expectant mother is found not to be indigent, the amount of reimbursement shall be the maximum amount established by the public defender board. If the parent or adult expectant mother is found to be indigent in part, the amount of reimbursement shall be the amount of partial payment determined in accordance with the rules of the public defender board under s. 977.02 (3).

SECTION 126. 48.275 (2) (c) of the statutes is amended to read:

48.275 **(2)** (c) If the county provides the child or adult expectant mother with legal counsel and the court orders reimbursement under par. (a), the court shall either make a determination of indigency or shall appoint the county department to make the determination. If the court or the county department finds that the parent or adult expectant mother is not indigent or is indigent in part, the court shall establish the amount of reimbursement and shall order the parent or adult expectant mother to pay it.

SECTION 127. 48.275 (2) (cg) (intro.) of the statutes is amended to read:

48.275 **(2)** (cg) (intro.) The court shall, upon motion by a parent or expectant mother, hold a hearing to review any of the following:

SECTION 128. 48.29 (1) of the statutes is amended to read:

48.29 **(1)** The child, ~~or~~ the child's parent, guardian or legal custodian, the expectant mother or the unborn child by the unborn child's guardian ad litem, either before or during the plea hearing, may file a written request with the clerk of the court or other person acting as the clerk for a substitution of the judge assigned to the proceeding. Upon filing the written request, the filing party shall immediately mail or deliver a copy of the request to the judge named ~~therein. Whenever~~ in the request. When any person has the right to request a substitution of judge, that person's counsel or guardian ad litem may file the request. Not more than one such written request may be filed in any one proceeding, nor may any single request name more than one judge. This section ~~shall~~ does not apply to proceedings under s. 48.21 or 48.213.

SECTION 129. 48.293 (2) of the statutes is amended to read:

48.293 **(2)** All records relating to a child, or to an unborn child and the unborn child's expectant mother, which are relevant to the subject matter of a proceeding under this chapter shall be open to inspection by a guard-

ian ad litem or counsel for any party, upon demand and upon presentation of releases ~~where~~ when necessary, at least 48 hours before the proceeding. Persons and unborn children, by their guardians ad litem, entitled to inspect the records may obtain copies of the records with the permission of the custodian of the records or with permission of the court. The court may instruct counsel not to disclose specified items in the materials to the child or the parent, or to the expectant mother, if the court reasonably believes that the disclosure would be harmful to the interests of the child or the unborn child.

SECTION 130. 48.293 (3) of the statutes is amended to read:

48.293 **(3)** Upon request prior to the fact−finding hearing, counsel for the interests of the public shall disclose to the child, ~~child's~~ through his or her counsel or guardian ad litem, or to the unborn child, through the unborn child's guardian ad litem, the existence of any videotaped oral statement of a child under s. 908.08 which is within the possession, custody or control of the state and shall make reasonable arrangements for the requesting person to view the videotaped oral statement. If, subsequent to compliance with this subsection, the state obtains possession, custody or control of such a videotaped statement, counsel for the interests of the public shall promptly notify the requesting person of that fact and make reasonable arrangements for the requesting person to view the videotaped oral statement.

SECTION 131m. 48.295 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.295 **(1)** After the filing of a petition and upon a finding by the court that reasonable cause exists to warrant an examination or an alcohol and other drug abuse assessment that conforms to the criteria specified under s. 48.547 (4), the court may order any child coming within its jurisdiction to be examined as an outpatient by personnel in an approved treatment facility for alcohol and other drug abuse, by a physician, psychiatrist or licensed psychologist, or by another expert appointed by the court holding at least a master's degree in social work or another related field of child development, in order that the child's physical, psychological, alcohol or other drug dependency, mental or developmental condition may be considered. The court may also order an examination or an alcohol and other drug abuse assessment that conforms to the criteria specified under s. 48.547 (4) of a parent, guardian or legal custodian whose ability to care for a child is at issue before the court or of an expectant mother whose ability to control her use of alcohol beverages, controlled substances or controlled substance analogs is at issue before the court. The court shall hear any objections by the child, the child's parents, guardian or legal custodian to the request for such an examination or assessment before ordering the examination or assessment. The expenses of an examination, if approved by the court, shall be paid by the county of the court ordering the examination in a county having a population of less than 500,000 or by the department in a county having a population of 500,000 or more. The payment for an alcohol and other drug abuse assessment shall be in accordance with s. 48.361.

SECTION 132. 48.295 (1c) of the statutes is amended to read:

48.295 **(1c)** Reasonable cause is considered to exist to warrant an alcohol and other drug abuse assessment under sub. (1) if the multidisciplinary screen procedure conducted under s. 48.24 (2) indicates that the child or expectant mother is at risk of having needs and problems related to alcohol or other drug abuse.

SECTION 133. 48.295 (1g) of the statutes is amended to read:

48.295 **(1g)** If the court orders an alcohol or other drug abuse assessment under sub. (1), the approved treatment facility shall, within 14 days after the court order, report the results of the assessment to the court, except that, upon request by the approved treatment facility and if the child is not an expectant mother under s. 48.133 and is not held in secure or nonsecure custody, the court may extend the period for assessment for not more than 20 additional working days. The report shall include a recommendation as to whether the child or expectant mother is in need of treatment for abuse of alcohol beverages, controlled substances or controlled substance analogs or education relating to the use of alcohol beverages, controlled substances and controlled substance analogs and, if so, shall recommend a service plan and an appropriate treatment, from an approved treatment facility, or a court−approved education program.

SECTION 134. 48.295 (2) of the statutes is amended to read:

48.295 **(2)** The examiner shall file a report of the examination with the court by the date specified in the order. The court shall cause copies to be transmitted to the district attorney or corporation counsel ~~and to the child's,~~ to counsel or guardian ad litem for the child and, if applicable, to counsel or guardian ad litem for the unborn child and the unborn child's expectant mother. The report shall describe the nature of the examination and identify the persons interviewed, the particular records reviewed and any tests administered to the child or expectant mother. The report shall also state in reasonable detail the facts and reasoning upon which the examiner's opinions are based.

SECTION 135. 48.295 (3) of the statutes is amended to read:

48.295 **(3)** If the child ~~or a~~, the child's parent or the expectant mother objects to a particular physician, psychiatrist, licensed psychologist or other expert as required under this section, the court shall appoint a different physician, psychiatrist, psychologist or other expert as required under this section.

SECTION 136. 48.297 (4) of the statutes is amended to read:

48.297 **(4)** Although the taking of a child or an expectant mother of an unborn child into custody is not an arrest, ~~it~~ that taking into custody shall be considered an arrest for the purpose of deciding motions which require a decision about the propriety of taking into custody, including ~~but not limited to~~ motions to suppress evidence as illegally seized, motions to suppress statements as illegally obtained and motions challenging the lawfulness of the taking into custody.

SECTION 137. 48.297 (5) of the statutes is amended to read:

48.297 **(5)** If the child or the expectant mother of an unborn child is in custody and the court grants a motion to dismiss based ~~upon~~ on a defect in the petition or in the institution of the proceedings, the court may order the child or expectant mother to be continued in custody for not more than 48 hours pending the filing of a new petition.

SECTION 138. 48.297 (6) of the statutes is amended to read:

48.297 **(6)** A motion required to be served on a child may be served ~~upon~~ on his or her attorney of record. A motion required to be served on an unborn child may be served on the unborn child's guardian ad litem.

SECTION 139. 48.299 (1) (a) of the statutes is amended to read:

48.299 **(1)** (a) The general public shall be excluded from hearings under this chapter and from hearings by courts exercising jurisdiction under s. 48.16 unless a public fact−finding hearing is demanded by a child through his or her counsel, by an expectant mother through her counsel or by an unborn child through the unborn child's guardian ad litem. However, the court shall refuse to grant the public hearing in a proceeding other than a proceeding under s. 48.375 (7), if a parent ~~or,~~ guardian, expectant mother or unborn child through the unborn child's guardian ad litem objects.

SECTION 140. 48.299 (1) (ag) of the statutes is amended to read:

48.299 **(1)** (ag) In a proceeding other than a proceeding under s. 48.375 (7), if a public hearing is not held, only the parties and their counsel or guardian ad litem, if any, the child's foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), witnesses and other persons requested by a party and approved by the court may be present, except that the court may exclude a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing deals with sensitive personal information of the child or the child's family or if the court determines that excluding the foster parent, treatment foster parent or other physical custodian would be in the best interests of the child. Except in a proceeding under s. 48.375 (7), any other person the court finds to have a proper interest in the case or in the work of the court, including a member of the bar, may be admitted by the court.

SECTION 141. 48.299 (1) (b) of the statutes is amended to read:

48.299 **(1)** (b) Except as provided in ss. 48.375 (7) (e) and 48.396, any person who divulges any information which would identify the child, the expectant mother or the family involved in any proceeding under this chapter shall be subject to ch. 785. ~~This paragraph does not preclude a victim of the child's act from commencing a civil action based upon the child's act.~~

SECTION 142. 48.299 (4) (b) of the statutes is amended to read:

48.299 **(4)** (b) Except as provided in s. 901.05, neither common law nor statutory rules of evidence are binding at a hearing for a child held in custody under s. 48.21, a hearing for an adult expectant mother held in custody under s. 48.213, a runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing about changes in placement, revision of dispositional orders, extension of dispositional orders or termination of guardianship orders entered under s. 48.977 (4) (h) 2. or (6). At those hearings, the court shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony or evidence that is inadmissible under s. 901.05. Hearsay evidence may be admitted if it has demonstrable circumstantial guarantees of trustworthiness. The court shall give effect to the rules of privilege recognized by law. The court shall apply the basic principles of relevancy, materiality and probative value to proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

SECTION 143. 48.299 (5) of the statutes is amended to read:

48.299 **(5)** On request of any party, unless good cause to the contrary is shown, any hearing under s. 48.209 (1) (e) ~~or,~~ 48.21 (1) or 48.213 (1) may be held on the record by telephone or live audio−visual means or testimony may be received by telephone or live audio−visual means as prescribed in s. 807.13 (2). The request and the showing of good cause for not conducting the hearing or admitting testimony by telephone or live audio−visual means may be made by telephone.

SECTION 144. 48.30 (1) of the statutes is amended to read:

48.30 **(1)** Except as provided in this subsection, the hearing to determine whether any party wishes to contest an allegation that the child or unborn child is in need of protection or services shall take place on a date which allows reasonable time for the parties to prepare but is within 30 days after the filing of a petition for a child or an expectant mother who is not being held in secure custody

or within 10 days after the filing of a petition for a child who is being held in secure custody.

SECTION 145. 48.30 (2) of the statutes is amended to read:

48.30 **(2)** At the commencement of the hearing under this section the child and the parent, guardian or legal custodian, the child expectant mother, her parent, guardian or legal custodian and the unborn child through the unborn child's guardian ad litem or the adult expectant mother and the unborn child through the unborn child's guardian ad litem, shall be advised of their rights as specified in s. 48.243 and shall be informed that a request for a jury trial or for a substitution of judge under s. 48.29 must be made before the end of the plea hearing or be waived. Nonpetitioning parties, including the child, shall be granted a continuance of the plea hearing if they wish to consult with an attorney on the request for a jury trial or substitution of a judge.

SECTION 146. 48.30 (3) of the statutes is amended to read:

48.30 **(3)** If a petition alleges that a child is in need of protection or services under s. 48.13 or that an unborn child of a child expectant mother is in need of protection or services under s. 48.133, the nonpetitioning parties and the child, if he or she is 12 years of age or older or is otherwise competent to do so, shall state whether they desire to contest the petition. If a petition alleges that an unborn child of an adult expectant mother is in need of protection or services under s. 48.133, the adult expectant mother of the unborn child shall state whether she desires to contest the petition.

SECTION 147. 48.30 (6) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

48.30 **(6)** If a petition is not contested, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 10 days ~~from~~ after the plea hearing for ~~the~~ a child who is held in secure custody and no more than 30 days ~~from~~ after the plea hearing for a child or an expectant mother who is not held in secure custody. If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent the court may proceed immediately with the dispositional hearing.

SECTION 148. 48.30 (7) of the statutes is amended to read:

48.30 **(7)** If the petition is contested, the court shall set a date for the fact−finding hearing which allows reasonable time for the parties to prepare but is no more than 20 days ~~from~~ after the plea hearing for a child who is held in secure custody and no more than 30 days ~~from~~ after the plea hearing for a child or an expectant mother who is not held in secure custody.

SECTION 149. 48.30 (8) (a) of the statutes is amended to read:

48.30 **(8)** (a) Address the parties present including the child or expectant mother personally and determine that the plea or admission is made voluntarily with understanding of the nature of the acts alleged in the petition and the potential dispositions.

SECTION 150. 48.30 (8) (c) of the statutes is amended to read:

48.30 **(8)** (c) Make such inquiries as satisfactorily establishes that there is a factual basis for the ~~parent's and child's~~ plea or admission of the parent and child, of the parent and child expectant mother or of the adult expectant mother.

SECTION 151. 48.30 (9) of the statutes is amended to read:

48.30 **(9)** If a court commissioner conducts the plea hearing and accepts an admission of the alleged facts in a petition brought under s. 48.13 or 48.133, the judge shall review the admission at the beginning of the dispositional hearing by addressing the parties and making the inquiries set forth in sub. (8).

SECTION 152. 48.305 of the statutes is amended to read:

48.305 (title) **Hearing upon the involuntary removal of a child or expectant mother.** Notwithstanding other time periods for hearings under this chapter, if a child is removed from the physical custody of the child's parent or guardian under s. 48.19 (1) (c) or (cm) or (d) 5. or 8. without the consent of the parent or guardian or if an adult expectant mother is taken into custody under s. 48.193 (1) (c) or (d) 2. without the consent of the expectant mother, the court shall schedule a plea hearing and fact−finding hearing within 30 days ~~of~~ after a request from the parent or guardian from whom custody was removed or from the adult expectant mother who was taken into custody. The plea hearing and fact−finding hearing may be combined. This time period may be extended only with the consent of the requesting parent ~~or,~~ guardian or expectant mother.

SECTION 153. 48.31 (1) of the statutes is amended to read:

48.31 **(1)** In this section, "fact−finding hearing" means a hearing to determine if the allegations in a petition under s. 48.13 or 48.133 or a petition to terminate parental rights are proved by clear and convincing evidence.

SECTION 154. 48.31 (2) of the statutes is amended to read:

48.31 **(2)** The hearing shall be to the court unless the child, the child's parent, guardian or legal custodian, the unborn child by the unborn child's guardian ad litem or the expectant mother of the unborn child exercises the right to a jury trial by demanding a jury trial at any time before or during the plea hearing. If a jury trial is demanded in a proceeding under s. 48.13 or 48.133, the jury shall consist of 6 persons. If a jury trial is demanded in a proceeding under s. 48.42, the jury shall consist of 12 persons unless the parties agree to a lesser number. Chapters 756 and 805 shall govern the selection of jurors. If the hearing involves a child victim or witness, as defined in s. 950.02, the court may order the taking and allow the use of a videotaped deposition under s. 967.04 (7) to (10) and, with the district attorney, shall comply with s. 971.105. At the conclusion of the hearing, the court or jury shall make a determination of the facts, except that in a case alleging a child or an unborn child to be in need of protection or services under s. 48.13 or 48.133, the court shall make the determination under s. 48.13 (intro.) or 48.133 (intro.) relating to whether the child or unborn child is in need of protection or services which can be ordered by the court. If the court finds that the child or unborn child is not within the jurisdiction of the court or, in a case alleging a child or an unborn child to be in need of protection or services under s. 48.13 or 48.133, that the child or unborn child is not in need of protection or services which can be ordered by the court or if the court or jury finds that the facts alleged in the petition have not been proved, the court shall dismiss the petition with prejudice.

SECTION 155. 48.31 (4) of the statutes is amended to read:

48.31 **(4)** The court or jury shall make findings of fact and the court shall make conclusions of law relating to the allegations of a petition filed under s. 48.13, 48.133 or 48.42, except that the court shall make findings of fact relating to whether the child or unborn child is in need of protection or services which can be ordered by the court. In cases alleging a child to be in need of protection or services under s. 48.13 (11), the court ~~shall~~ may not find that the child is suffering emotional damage unless a licensed physician specializing in psychiatry or a licensed psychologist appointed by the court to examine the child has testified at the hearing that in his or her opinion the condition exists, and adequate opportunity for the cross–examination of the physician or psychologist has been afforded. The judge may use the written reports if the right to have testimony presented is voluntarily, knowingly and intelligently waived by the guardian ad litem or legal counsel for the child and the parent or guardian. In cases alleging a child to be in need of protection or services under s. 48.13 (11m) or an unborn child to be in need of protection or services under s. 48.133, the court ~~shall~~ may not find that the child or the expectant mother of the unborn child is in need of treatment and education for needs and problems related to the use or abuse of alcohol beverages, controlled substances or controlled substance analogs and its medical, personal, family or social effects unless an assessment for alcohol and other drug abuse that conforms to the criteria specified under s. 48.547 (4) has been conducted by an approved treatment facility.

SECTION 156. 48.31 (7) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

48.31 **(7)** At the close of the fact–finding hearing, the court shall set a date for the dispositional hearing which allows a reasonable time for the parties to prepare but is no more than 10 days ~~from~~ after the fact–finding hearing for a child in secure custody and no more than 30 days ~~from~~ after the fact–finding hearing for a child or expectant mother who is not held in secure custody. If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may immediately proceed with a dispositional hearing.

SECTION 157. 48.315 (1) (a) of the statutes is amended to read:

48.315 **(1)** (a) Any period of delay resulting from other legal actions concerning the child or the unborn child and the unborn child's expectant mother, including an examination under s. 48.295 or a hearing related to the ~~child's~~ mental condition of the child, the child's parent, guardian or legal custodian or the expectant mother, prehearing motions, waiver motions and hearings on other matters.

SECTION 158. 48.315 (1) (b) of the statutes is amended to read:

48.315 **(1)** (b) Any period of delay resulting from a continuance granted at the request of or with the consent of the child and his or her counsel or of the unborn child by the unborn child's guardian ad litem.

SECTION 159. 48.315 (1) (f) of the statutes is amended to read:

48.315 **(1)** (f) Any period of delay resulting from the absence or unavailability of the child or expectant mother.

SECTION 160. 48.32 (1) of the statutes is amended to read:

48.32 **(1)** At any time after the filing of a petition for a proceeding relating to s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile court commissioner may suspend the proceedings and place the child or expectant mother under supervision in the ~~child's own~~ home or present placement of the child or expectant mother. The court may establish terms and conditions applicable to the child and the child's parent, guardian or legal custodian, ~~and to the child~~ to the child expectant mother and her parent, guardian or legal custodian or to the adult expectant mother. The order under this section shall be known as a consent decree and must be agreed to by the child if 12 years of age or older~~;~~, the parent, guardian or legal custodian~~;~~, and the person filing the petition under s. 48.25; by the child expectant mother, her parent, guardian or legal custodian, the unborn child by the unborn child's guardian ad litem and the person filing the petition under s. 48.25; or by the adult expectant mother, the unborn child by the unborn child's guardian ad litem and the person filing the petition under s. 48.25. The consent decree shall be reduced to writing and given to the parties.

SECTION 161. 48.32 (2) (a) of the statutes is amended to read:

48.32 **(2)** (a) A consent decree shall remain in effect up to 6 months unless the child, parent, guardian ~~or~~, legal custodian or expectant mother is discharged sooner by the judge or juvenile court commissioner.

SECTION 162. 48.32 (2) (c) of the statutes is amended to read:

48.32 **(2)** (c) Upon the motion of the court or the application of the child, parent, guardian, legal custodian, expectant mother, unborn child by the unborn child's guardian ad litem, intake worker or any agency supervising the child or expectant mother under the consent decree, the court may, after giving notice to the parties to the consent decree and their counsel or guardian ad litem, if any, extend the decree for up to an additional 6 months in the absence of objection to extension by the parties to the initial consent decree. If the child, parent, guardian ~~or~~, legal custodian, expectant mother or unborn child by the unborn child's guardian ad litem objects to the extension, the judge shall schedule a hearing and make a determination on the issue of extension. An extension under this paragraph of a consent decree relating to an unborn child who is alleged to be in need of protection or services may be granted after the child is born.

SECTION 163. 48.32 (3) of the statutes is amended to read:

48.32 **(3)** If, prior to discharge by the court, or the expiration of the consent decree, the court finds that the child ~~or~~, parent, ~~legal~~ guardian ~~or~~, legal custodian or expectant mother has failed to fulfill the express terms and conditions of the consent decree or that the child or expectant mother objects to the continuation of the consent decree, the hearing under which the child or expectant mother was placed on supervision may be continued to conclusion as if the consent decree had never been entered.

SECTION 164. 48.32 (5) (intro.) of the statutes is amended to read:

48.32 **(5)** (intro.) A court which, under this section, elicits or examines information or material about a child or an expectant mother which would be inadmissible in a hearing on the allegations of the petition ~~shall~~ may not, over objections of one of the parties, participate in any subsequent proceedings if any of the following applies:

SECTION 165. 48.32 (5) (a) of the statutes is amended to read:

48.32 **(5)** (a) The court refuses to enter into a consent decree and the allegations in the petition remain to be decided in a hearing ~~where~~ at which one of the parties denies the allegations forming the basis for a child or unborn child in need of protection or services petition~~; or~~.

SECTION 166. 48.32 (5) (b) of the statutes is amended to read:

48.32 **(5)** (b) A consent decree is granted but the petition under s. 48.13 or 48.133 is subsequently reinstated.

SECTION 167. 48.32 (6) of the statutes is amended to read:

48.32 **(6)** The judge or juvenile court commissioner shall inform the child and the child's parent, guardian or legal custodian, or the adult expectant mother, in writing, of the ~~child's~~ right of the child or expectant mother to object to the continuation of the consent decree under sub. (3) and the fact that the hearing under which the child or expectant mother was placed on supervision may be continued to conclusion as if the consent decree had never been entered.

SECTION 168. 48.33 (1) (intro.) of the statutes is amended to read:

48.33 **(1)** REPORT REQUIRED. (intro.) Before the disposition of a child or unborn child adjudged to be in need of protection or services the court shall designate an agency, as defined in s. 48.38 (1) (a), to submit a report which shall contain all of the following:

SECTION 169. 48.33 (1) (a) of the statutes is amended to read:

48.33 **(1)** (a) The social history of the child or of the expectant mother of the unborn child.

SECTION 170. 48.33 (1) (b) of the statutes is amended to read:

48.33 **(1)** (b) A recommended plan of rehabilitation or treatment and care for the child or expectant mother which is based on the investigation conducted by the agency and any report resulting from an examination or assessment under s. 48.295, which employs the least restrictive means available to accomplish the objectives of the plan, and, in cases of child abuse or neglect or unborn child abuse, which also includes an assessment of risks to

the ~~child's~~ physical safety and physical health of the child or unborn child and a description of a plan for controlling the risks.

SECTION 171. 48.33 (1) (c) of the statutes is amended to read:

48.33 **(1)** (c) A description of the specific services or continuum of services which the agency is recommending that the court order for the child or family or for the expectant mother of the unborn child, the persons or agencies that would be primarily responsible for providing those services, ~~and~~ the identity of the person or agency that would provide case management or coordination of services, if any ~~or~~, and, in the case of a child adjudged to be in need of protection or services, whether or not the child should receive an integrated service plan.

SECTION 172. 48.33 (1) (d) of the statutes is amended to read:

48.33 **(1)** (d) A statement of the objectives of the plan, including any ~~desired~~ behavior changes desired of the child or expectant mother and the academic, social and vocational skills needed by the child or the expectant mother.

SECTION 173. 48.33 (1) (f) of the statutes is amended to read:

48.33 **(1)** (f) If the agency is recommending that the court order the child's parent, guardian or legal custodian or the expectant mother to participate in mental health treatment, anger management, individual or family counseling or parent or prenatal development training and education, a statement as to the availability of those services and as to the availability of funding for those services.

SECTION 174. 48.33 (2) of the statutes is amended to read:

48.33 **(2)** HOME PLACEMENT REPORTS. A report recommending that the child remain in his or her home or that the expectant mother remain in her home may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record.

SECTION 175. 48.33 (4) (intro.) of the statutes is amended to read:

48.33 **(4)** OTHER OUT–OF–HOME PLACEMENTS. (intro.) A report recommending placement of an adult expectant mother outside of her home shall be in writing. A report recommending placement of a child in a foster home, treatment foster home, group home or child caring institution shall be in writing and shall include all of the following:

SECTION 176. 48.335 (1) of the statutes is amended to read:

48.335 **(1)** The court shall conduct a hearing to determine the disposition of a case in which a child is adjudged to be in need of protection or services under s. 48.13 or an unborn child is adjudged to be in need of protection or services under s. 48.133.

SECTION 177m. 48.345 (intro.) of the statutes, as affected by 1997 Wisconsin Act 164, is amended to read:

48.345 (title) **Disposition of child or unborn child of child expectant mother adjudged in need of protection or services.** (intro.) If the judge finds that the child is in need of protection or services or that the unborn child of a child expectant mother is in need of protection or services, the judge shall enter an order deciding one or more of the dispositions of the case as provided in this section under a care and treatment plan, except that the order may not place any child not specifically found under chs. 46, 49, 51, 115 and 880 to be developmentally disabled, mentally ill or to have a disability specified in s. 115.76 (5) in facilities which exclusively treat those categories of children and the court may not place any child expectant mother of an unborn child in need of protection or services outside of the child expectant mother's home unless the court finds that the child expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. The dispositions under this section are as follows:

SECTION 178. 48.345 (2) of the statutes is amended to read:

48.345 **(2)** Place the child under supervision of an agency, the department, if the department approves, or a suitable adult, including a friend of the child, under conditions prescribed by the judge including reasonable rules for the child's conduct, designed for the physical, mental and moral well−being and behavior of the child and, if applicable, for the physical well−being of the child's unborn child.

SECTION 179. 48.345 (2m) of the statutes is amended to read:

48.345 **(2m)** Place the child in the child's home under the supervision of an agency or the department, if the department approves, and order the agency or department to provide specified services to the child and the child's family, which may include but are not limited to individual, family or, group counseling, homemaker or parent aide services, respite care, housing assistance, day care ~~or~~ parent skills training or prenatal development training or education.

SECTION 180. 48.345 (13) (c) of the statutes is amended to read:

48.345 **(13)** (c) Payment for the court ordered treatment or education under this subsection in counties that have ~~a pilot~~ an alcohol and other drug abuse program under s. 48.547 shall be in accordance with s. 48.361.

SECTION 181m. 48.345 (14) of the statutes is created to read:

48.345 **(14)** (a) If, based on an evaluation under s. 48.295 and the report under s. 48.33, the judge finds that the child expectant mother of an unborn child in need of protection or services is in need of inpatient treatment for

her habitual lack of self−control in the use of alcohol, controlled substances or controlled substance analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the child expectant mother's needs and that inpatient treatment is the least restrictive treatment consistent with the child expectant mother's needs, the judge may order the child expectant mother to enter an inpatient alcohol or other drug abuse treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient facility shall, under the terms of a service agreement between the inpatient facility and the county in a county having a population of less than 500,000 or the department in a county having a population of 500,000 or more, or with the written and informed consent of the child expectant mother or the child expectant mother's parent if the child expectant mother has not attained the age of 12, report to the agency primarily responsible for providing services to the child expectant mother as to whether the child expectant mother is cooperating with the treatment and whether the treatment appears to be effective.

(b) Payment for any treatment ordered under par. (a) shall be in accordance with s. 48.361.

SECTION 182. 48.345 (15) of the statutes is created to read:

48.345 **(15)** If it appears that an unborn child in need of protection or services may be born during the period of the dispositional order, the judge may order that the child, when born, be provided with any services or care that may be ordered for a child in need of protection or services under this section.

SECTION 183. 48.347 of the statutes is created to read:

48.347 Disposition of unborn child of adult expectant mother adjudged in need of protection or services. If the judge finds that the unborn child of an adult expectant mother is in need of protection or services, the judge shall enter an order deciding one or more of the dispositions of the case as provided in this section under a care and treatment plan, except that the order may not place any adult expectant mother of an unborn child not specifically found under ch. 51, 55 or 880 to be developmentally disabled or mentally ill in a facility which exclusively treats those categories of individuals and the court may not place any adult expectant mother of an unborn child in need of protection or services outside of the adult expectant mother's home unless the court finds that the adult expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. If the judge finds that the unborn child of a child expectant mother is in need of protection or services, the judge shall enter an order deciding one or more of the dispositions of the case as provided in s. 48.345 under a care and treatment plan. The dispositions under this section are as follows:

(1) COUNSELING. Counsel the adult expectant mother.

(2) SUPERVISION. Place the adult expectant mother under supervision of the county department, the department, if the department approves, or a suitable adult, including an adult relative or friend of the adult expectant mother, under conditions prescribed by the judge including reasonable rules for the adult expectant mother's conduct, designed for the physical well−being of the unborn child. An order under this paragraph may include an order to participate in mental health treatment, anger management, individual or family counseling or prenatal development training or education and to make a reasonable contribution, based on ability to pay, for the cost of those services.

(3) PLACEMENT. Designate one of the following as the placement for the adult expectant mother:

(a) The home of an adult relative or friend of the adult expectant mother.

(b) A community−based residential facility, as defined in s. 50.01 (1g).

(4) SPECIAL TREATMENT OR CARE. (a) If the adult expectant mother is in need of special treatment or care, as identified in an evaluation under s. 48.295 and the report under s. 48.33, the judge may order the adult expectant mother to obtain the special treatment or care. If the adult expectant mother fails or is financially unable to obtain the special treatment or care, the judge may order an appropriate agency to provide the special treatment or care. If a judge orders a county department under s. 51.42 or 51.437 to provide special treatment or care under this paragraph, the provision of that special treatment or care shall be subject to conditions specified in ch. 51. An order of special treatment or care under this paragraph may not include an order for the administration of psychotropic drugs.

(b) Payment for any special treatment or care that relates to alcohol and other drug abuse services ordered under par. (a) shall be in accordance with s. 48.361.

(c) Payment for any services provided under ch. 51 that are ordered under par. (a), other than alcohol and other drug abuse services, shall be in accordance with s. 48.362.

(5) ALCOHOL OR DRUG TREATMENT OR EDUCATION. (a) If the report prepared under s. 48.33 (1) recommends that the adult expectant mother is in need of treatment for the use or abuse of alcohol beverages, controlled substances or controlled substance analogs and its medical, personal, family or social effects, the court may order the adult expectant mother to enter an outpatient alcohol and other drug abuse treatment program at an approved treatment facility. The approved treatment facility shall, under the terms of a service agreement between the approved treatment facility and the county in a county having a population of less than 500,000 or the department in a county having a population of 500,000 or more, or with the written informed consent of the adult expectant mother, report to the agency primarily responsible for providing

services to the adult expectant mother as to whether the adult expectant mother is cooperating with the treatment and whether the treatment appears to be effective.

(b) If the report prepared under s. 48.33 (1) recommends that the adult expectant mother is in need of education relating to the use of alcohol beverages, controlled substances or controlled substance analogs, the court may order the adult expectant mother to participate in an alcohol or other drug abuse education program approved by the court. The person or agency that provides the education program shall, under the terms of a service agreement between the education program and the county in a county having a population of less than 500,000 or the department in a county having a population of 500,000 or more, or with the written informed consent of the adult expectant mother, report to the agency primarily responsible for providing services to the adult expectant mother about the adult expectant mother's attendance at the program.

(c) Payment for any treatment or education ordered under this subsection in counties that have an alcohol and other drug abuse program under s. 48.547 shall be in accordance with s. 48.361.

(6) INPATIENT ALCOHOL OR DRUG TREATMENT. (a) If, based on an evaluation under s. 48.295 and the report under s. 48.33, the judge finds that the adult expectant mother is in need of inpatient treatment for her habitual lack of self−control in the use of alcohol, controlled substances or controlled substance analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the adult expectant mother's needs and that inpatient treatment is the least restrictive treatment consistent with the adult expectant mother's needs, the judge may order the adult expectant mother to enter an inpatient alcohol or other drug abuse treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient facility shall, under the terms of a service agreement between the inpatient facility and the county in a county having a population of less than 500,000 or the department in a county having a population of 500,000 or more, or with the written and informed consent of the adult expectant mother, report to the agency primarily responsible for providing services to the adult expectant mother as to whether the adult expectant mother is cooperating with the treatment and whether the treatment appears to be effective.

(b) Payment for any treatment ordered under par. (a) shall be in accordance with s. 48.361.

(7) SERVICES FOR CHILD WHEN BORN. If it appears that the unborn child may be born during the period of the dispositional order, the judge may order that the child, when born, be provided any services or care that may be ordered for a child in need of protection or services under s. 48.345.

SECTION 184m. 48.35 (1) (b) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (Assembly Bill 410), is amended to read:

48.35 **(1)** (b) (intro.) The disposition of a child or an unborn child, and any record of evidence given in a hearing in court, shall not be admissible as evidence against the child or the expectant mother of the unborn child in any case or proceeding in any other court except for the following:

SECTION 185m. 48.35 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin Act .... (Assembly Bill 410), is amended to read:

48.35 **(1)** (b) 1. In sentencing proceedings after ~~conviction~~ the child or expectant mother has been convicted of a felony or misdemeanor and then only for the purpose of a presentence investigation.

SECTION 187. 48.35 (2) of the statutes is amended to read:

48.35 **(2)** Except as specifically provided in sub. (1), this section does not preclude the court from disclosing information to qualified persons if the court considers the disclosure to be in the best interests of the child or unborn child or of the administration of justice.

SECTION 188. 48.355 (1) of the statutes is amended to read:

48.355 **(1)** INTENT. In any order under s. 48.345 or 48.347 the judge shall decide on a placement and treatment finding based on evidence submitted to the judge. The disposition shall employ those means necessary to maintain and protect the ~~child's~~ well−being of the child or unborn child which are the least restrictive of the rights of the parent ~~or~~ and child, of the rights of the parent and child expectant mother or of the rights of the adult expectant mother, and which assure the care, treatment or rehabilitation of the child and the family, of the child expectant mother, the unborn child and the family or of the adult expectant mother and the unborn child, consistent with the protection of the public. ~~Whenever~~ When appropriate, and, in cases of child abuse ~~and~~ or neglect or unborn child abuse, when it is consistent with the ~~child's~~ best interest of the child or unborn child in terms of physical safety and physical health, the family unit shall be preserved and there shall be a policy of transferring custody of a child from the parent or of placing an expectant mother outside of her home only ~~where~~ when there is no less drastic alternative. If there is no less drastic alternative for a child than transferring custody from the parent, the judge shall consider transferring custody to a relative whenever possible.

SECTION 189. 48.355 (2) (a) of the statutes is amended to read:

48.355 **(2)** (a) In addition to the order, the judge shall make written findings of fact and conclusions of law based on the evidence presented to the judge to support the disposition ordered, including findings as to the ~~child's~~ condition and need for special treatment or care of the child or expectant mother if an examination or assessment was conducted under s. 48.295. A finding may not

include a finding that a child or an expectant mother is in need of psychotropic medications.

SECTION 190. 48.355 (2) (b) 1. of the statutes is amended to read:

48.355 **(2)** (b) 1. The specific services or continuum of services to be provided to the child and family, to the child expectant mother and family or to the adult expectant mother, the identity of the agencies which are to be primarily responsible for the provision of the services ~~mandated~~ ordered by the judge, the identity of the person or agency who will provide case management or coordination of services, if any, and, if custody of the child is to be transferred to effect the treatment plan, the identity of the legal custodian.

SECTION 191. 48.355 (2) (b) 1m. of the statutes is amended to read:

48.355 **(2)** (b) 1m. A notice that the child's parent, guardian or legal custodian ~~or,~~ the child, if 14 years of age or over, the expectant mother, if 14 years of age or over, or the unborn child by the unborn child's guardian ad litem may request an agency that is providing care or services for the child or expectant mother or that has legal custody of the child to disclose to, or make available for inspection by, the parent, guardian, legal custodian ~~or,~~ child, expectant mother or unborn child by the unborn child's guardian ad litem the contents of any record kept or information received by the agency about the child or expectant mother as provided in s. 48.78 (2) (ag) and (aj).

SECTION 192. 48.355 (2) (b) 2m. of the statutes is created to read:

48.355 **(2)** (b) 2m. If the adult expectant mother is placed outside her home, the name of the place or facility, including transitional placements, where the expectant mother shall be treated.

SECTION 193. 48.355 (2) (b) 7. of the statutes is amended to read:

48.355 **(2)** (b) 7. A statement of the conditions with which the child or expectant mother is required to comply.

SECTION 194. 48.355 (2) (d) of the statutes is amended to read:

48.355 **(2)** (d) The court shall provide a copy of ~~the~~ a dispositional order relating to a child in need of protection or services to the child's parent, guardian or trustee. The court shall provide a copy of a dispositional order relating to an unborn child in need of protection or services to the expectant mother, to the unborn child through the unborn child's guardian ad litem and, if the expectant mother is a child, to her parent, guardian or trustee.

SECTION 195. 48.355 (2m) of the statutes is amended to read:

48.355 **(2m)** TRANSITIONAL PLACEMENTS. The court order may include the name of transitional placements, but may not designate a specific time when transitions are to take place. The procedures of ss. 48.357 and 48.363 shall govern when such transitions take place. However, the court may place specific time limitations on interim arrangements made for the care of the child or for the treatment of the expectant mother pending the availability of the dispositional placement.

SECTION 196. 48.355 (4) of the statutes is amended to read:

48.355 **(4)** TERMINATION OF ORDERS. Except as provided under s. 48.368, all orders under this section shall terminate at the end of one year unless the judge specifies a shorter period of time. Except if s. 48.368 applies, extensions or revisions shall terminate at the end of one year unless the judge specifies a shorter period of time. Any order made before the child reaches the age of majority or before the unborn child is born shall be effective for a time up to one year after its entry unless the judge specifies a shorter period of time.

SECTION 197. 48.355 (5) of the statutes is amended to read:

48.355 **(5)** EFFECT OF COURT ORDER. Any party, person or agency who provides services for the child or the expectant mother under this section shall be bound by the court order.

SECTION 198. 48.355 (7) of the statutes is amended to read:

48.355 **(7)** (title) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS, EXPECTANT MOTHERS AND OTHER ADULTS. In addition to any dispositional order entered under s. 48.345 or 48.347, the court may enter an order applicable to ~~a child's~~ the parent, guardian or legal custodian of a child, to a family member of an adult expectant mother or to another adult~~,~~ as provided under s. 48.45.

SECTION 199. 48.356 (1) of the statutes is amended to read:

48.356 **(1)** Whenever the court orders a child to be placed outside his or her home, orders an expectant mother of an unborn child to be placed outside of her home or denies a parent visitation because the child or unborn child has been adjudged to be in need of protection or services under s. 48.345, 48.347 48.357, 48.363 or 48.365, the court shall orally inform the parent or parents who appear in court or the expectant mother who appears in court of any grounds for termination of parental rights under s. 48.415 which may be applicable and of the conditions necessary for the child or expectant mother to be returned to the home or for the parent to be granted visitation.

SECTION 200. 48.356 (2) of the statutes is amended to read:

48.356 **(2)** In addition to the notice required under sub. (1), any written order which places a child or an expectant mother outside the home or denies visitation under sub. (1) shall notify the parent or parents or expectant mother of the information specified under sub. (1).

SECTION 201m. 48.357 (1) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

48.357 **(1)** The person or agency primarily responsible for implementing the dispositional order, the district attorney or the corporation counsel may request a change in the placement of the child or expectant mother, whether or not the change requested is authorized in the dispositional order and shall cause written notice to be sent to the child ~~or the child's counsel or guardian ad litem~~, the parent, guardian and legal custodian of the child, any foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2)~~, guardian and legal custodian~~ of the child, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem. If the expectant mother is an adult, written notice shall be sent to the adult expectant mother and the unborn child by the unborn child's guardian ad litem. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court. Any person receiving the notice under this subsection or notice of ~~the~~ a specific ~~foster or treatment foster~~ placement under s. 48.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days ~~of~~ after receipt of the notice. Placements ~~shall~~ may not be changed until 10 days after ~~such~~ that notice is sent to the court unless the parent, guardian or legal custodian and the child, if 12 ~~or more~~ years of age or over, or the child expectant mother, if 12 years of age or over, her parent, guardian or legal custodian and the unborn child by the unborn child's guardian ad litem, or the adult expectant mother and the unborn child by the unborn child's guardian ad litem, sign written waivers of objection, except that placement changes which were authorized in the dispositional order may be made immediately if notice is given as required in this subsection. In addition, a hearing is not required for placement changes authorized in the dispositional order except ~~where~~ when an objection filed by a person who received notice alleges that new information is available which affects the advisability of the court's dispositional order.

SECTION 202. 48.357 (2) of the statutes is amended to read:

48.357 **(2)** If emergency conditions necessitate an immediate change in the placement of a child or expectant mother placed outside the home, the person or agency primarily responsible for implementing the dispositional order may remove the child or expectant mother to a new placement, whether or not authorized by the existing dispositional order, without the prior notice provided in sub. (1). The notice shall, however, be sent within 48 hours after the emergency change in placement. Any party receiving notice may demand a hearing under sub. (1). In emergency situations, ~~the~~ a child may be placed in a licensed public or private shelter care facility as a transitional placement for not more than 20 days, as well as in any placement authorized under s. 48.345 (3).

SECTION 203g. 48.357 (2m) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

48.357 **(2m)** The child, the parent, guardian or legal custodian of the child, the expectant mother, the unborn child by the unborn child's guardian at litem or any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, may request a change in placement under this subsection. The request shall contain the name and address of the place of the new placement requested and shall state what new information is available which affects the advisability of the current placement. This request shall be submitted to the court. In addition, the court may propose a change in placement on its own motion. The court shall hold a hearing on the matter prior to ordering any change in placement under this subsection if the request states that new information is available which affects the advisability of the current placement, unless written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice under sub. (1) and the court approves. If a hearing is scheduled, the court shall notify the child, the parent, guardian and legal custodian of the child, any foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child ~~and~~, all parties who are bound by the dispositional order and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child by the unborn child's guardian ad litem and all parties who are bound by the dispositional order, at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all the parties consent, the court may proceed immediately with the hearing. ~~I~~

SECTION 203m. 48.357 (5r) of the statutes is created to read:

48.357 **(5r)** The court may not change the placement of an expectant mother of an unborn child in need of protection or services from a placement in the expectant mother's home to a placement outside of the expectant mother's home unless the court finds that the expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her.

SECTION 204m. 48.36 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.36 **(2)** If an expectant mother or a child whose legal custody has not been taken from a parent or guardian is given educational and social services, or medical, psychological or psychiatric treatment by order of the court, the cost ~~thereof~~ of those services or that treatment, if ordered by the court, shall be a charge upon the county in

a county having a population of less than 500,000 or the department in a county having a population of 500,000 or more. This section does not prevent recovery of reasonable contribution toward the costs from the parent or guardian of the child or from an adult expectant mother as the court may order based on the ability of the parent ~~or,~~ guardian or adult expectant mother to pay. This subsection shall be subject to s. 46.03 (18).

SECTION 205. 48.361 (1) (b) of the statutes is amended to read:

48.361 **(1)** (b) Any special treatment or care that relates to alcohol or other drug abuse services ordered by a court under s. 48.345 (6) (a) or 48.347 (4) (a).

SECTION 206. 48.361 (1) (c) of the statutes is amended to read:

48.361 **(1)** (c) Any alcohol or other drug abuse treatment or education ordered by a court under s. 48.345 (6) (a) ~~or,~~ (13) or (14) or 48.347 (4) (a), (5) or (6) (a).

SECTION 207. 48.361 (2) (a) 1m. of the statutes is created to read:

48.361 **(2)** (a) 1m. If an adult expectant mother neglects, refuses or is unable to obtain court−ordered alcohol and other drug abuse services for herself through her health insurance or other 3rd−party payments, the judge may order the adult expectant mother to pay for the court−ordered alcohol and drug abuse services. If the adult expectant mother consents to obtain court−ordered alcohol and other drug abuse services for herself through her health insurance or other 3rd−party payments but the health insurance provider or other 3rd−party payer refuses to provide the court−ordered alcohol and other drug abuse services, the court may order the health insurance provider or 3rd−party payer to pay for the court−ordered alcohol and other drug abuse services in accordance with the terms of the adult expectant mother's health insurance policy or other 3rd−party payment plan.

SECTION 208. 48.361 (2) (am) 1. of the statutes is amended to read:

48.361 **(2)** (am) 1. If a court in a county that has ~~a pilot~~ an alcohol or other drug abuse program under s. 48.547 finds that payment is not attainable under par. (a), the court may order payment in accordance with par. (b).

SECTION 209. 48.361 (2) (am) 2. of the statutes is amended to read:

48.361 **(2)** (am) 2. If a court in a county that does not have ~~a pilot~~ an alcohol and other drug abuse program under s. 48.547 finds that payment is not attainable under par. (a), the court may order payment in accordance with s. 48.345 (6) (a), 48.347 (4) (a) or 48.36.

SECTION 210. 48.361 (2) (b) 1. of the statutes is amended to read:

48.361 **(2)** (b) 1. In counties that have ~~a pilot~~ an alcohol and other drug abuse program under s. 48.547, in addition to using the alternative provided for under par. (a), the court may order a county department of human services established under s. 46.23 or a county department established under s. 51.42 or 51.437 in the child's county of legal residence to pay for the court−ordered alcohol and other drug abuse services whether or not custody has been taken from the parent.

SECTION 211. 48.361 (2) (b) 1m. of the statutes is created to read:

48.361 **(2)** (b) 1m. In counties that have an alcohol and other drug abuse program under s. 48.547, in addition to using the alternative provided for under par. (a), the court may order a county department of human services established under s. 46.23 or a county department established under s. 51.42 or 51.437 in the adult expectant mother's county of legal residence to pay for the court−ordered alcohol and other drug abuse services provided for the adult expectant mother.

SECTION 212. 48.361 (2) (c) of the statutes is amended to read:

48.361 **(2)** (c) Payment for alcohol and other drug abuse services by a county department under this section does not prohibit the county department from contracting with another county department or approved treatment facility for the provision of alcohol and other drug abuse services. Payment by the county under this section does not prevent recovery of reasonable contribution toward the costs of the court−ordered alcohol and other drug abuse services from the parent or adult expectant mother which is based upon the ability of the parent or adult expectant mother to pay. This subsection is subject to s. 46.03 (18).

SECTION 213. 48.362 (2) of the statutes is amended to read:

48.362 **(2)** This section applies to the payment of court−ordered special treatment or care under s. 48.345 (6) (a), whether or not custody has been taken from the parent, and to the payment of court−ordered special treatment or care under s. 48.347 (4) (a).

SECTION 214. 48.362 (3m) of the statutes is created to read:

48.362 **(3m)** If an adult expectant mother neglects, refuses or is unable to obtain court−ordered special treatment or care for herself through her health insurance or other 3rd−party payments, the judge may order the adult expectant mother to pay for the court−ordered special treatment or care. If the adult expectant mother consents to obtain court−ordered special treatment or care for herself through her health insurance or other 3rd−party payments but the health insurance provider or other 3rd−party payer refuses to provide the court−ordered special treatment or care, the judge may order the health insurance provider or 3rd−party payer to pay for the court−ordered special treatment or care in accordance with the terms of the adult expectant mother's health insurance policy or other 3rd−party payment plan.

SECTION 215. 48.362 (4) (a) of the statutes is amended to read:

48.362 **(4)** (a) If the judge finds that payment is not attainable under sub. (3) or (3m), the judge may order the county department under s. 51.42 or 51.437 of the ~~child's~~ county of legal residence of the child or expectant mother to pay the cost of any court−ordered special treatment or care that is provided by or under contract with that county department.

SECTION 216. 48.362 (4) (c) of the statutes is amended to read:

48.362 **(4)** (c) A county department that pays for court−ordered special treatment or care under par. (a) may recover from the parent or adult expectant mother, based on the ~~parent's~~ ability of the parent or adult expectant mother to pay, a reasonable contribution toward the costs of the court−ordered special treatment or care. This paragraph is subject to s. 46.03 (18).

SECTION 217. 48.363 (1) of the statutes, as affected by 1997 Wisconsin Act 3, is amended to read:

48.363 **(1)** A child, the child's parent, guardian or legal custodian, an expectant mother, an unborn child by the unborn child's guardian ad litem, any person or agency bound by a dispositional order or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order that does not involve a change in placement, including a revision with respect to the amount of child support to be paid by a parent, or the court may on its own motion propose such a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter if the request or court proposal indicates that new information is available which affects the advisability of the court's dispositional order and prior to any revision of the dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves. If a hearing is held, the court shall notify the child, the child's parent, guardian and legal custodian, all parties bound by the dispositional order, the child's foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), ~~and~~ the district attorney or corporation counsel in the county in which the dispositional order was entered, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all parties bound by the dispositional order and the district attorney or corporation counsel in the county in which the dispositional order was entered, at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If the proposed revision is for a change in the amount of child support to be paid by a parent, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court and the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

SECTION 218. 48.365 (1m) of the statutes is amended to read:

48.365 **(1m)** The parent, child, guardian, legal custodian, expectant mother, unborn child by the unborn child's guardian ad litem, any person or agency bound by the dispositional order, the district attorney or corporation counsel in the county in which the dispositional order was entered or the court on its own motion, may request an extension of an order under s. 48.355 including an order under s. 48.355 that was entered before the child was born. The request shall be submitted to the court which entered the order. No order under s. 48.355 may be extended except as provided in this section.

SECTION 219. 48.365 (2) of the statutes is amended to read:

48.365 **(2)** No order may be extended without a hearing. The court shall notify the child ~~or the child's guardian ad litem or counsel~~, the child's parent, guardian~~,~~ and legal custodian, all the parties present at the original hearing, the child's foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), ~~and~~ the district attorney or corporation counsel in the county in which the dispositional order was entered and, if the child is an expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all the parties present at the original hearing and the district attorney or corporation counsel in the county in which the dispositional order was entered, of the time and place of the hearing.

SECTION 220m. 48.365 (2g) (a) of the statutes, as affected by 1997 Wisconsin Acts 27 and 80, is amended to read:

48.365 **(2g)** (a) At the hearing the person or agency primarily responsible for providing services to the child or expectant mother shall file with the court a written report stating to what extent the dispositional order has been meeting the objectives of the plan for the ~~child's~~ rehabilitation or care and treatment of the child or for the rehabilitation and treatment of the expectant mother and the care of the unborn child.

Section 221. 48.365 (2m) (a) of the statutes is amended to read:

48.365 **(2m)** (a) Any party may present evidence relevant to the issue of extension. The judge shall make findings of fact and conclusions of law based on the evidence, including a finding as to whether reasonable efforts were made by the agency primarily responsible for providing services to the child or expectant mother to make it possible for the child to return to his or her home or for the expectant mother to return to her home. An order shall be issued under s. 48.355.

Section 222. 48.365 (2m) (b) of the statutes is amended to read:

48.365 **(2m)** (b) If a child has been placed outside the home under s. 48.345, or if an adult expectant mother has been placed outside the home under s. 48.347, and an extension is ordered under this subsection, the judge shall state in the record the reason for the extension.

Section 223m. 48.396 (1) of the statutes, as affected by 1997 Wisconsin Acts 80 and .... (Assembly Bill 410), is amended to read:

48.396 **(1)** Law enforcement officers' records of children shall be kept separate from records of adults. Law enforcement officers' records of the adult expectant mothers of unborn children shall be kept separate from records of other adults. Law enforcement officers' records of children and the adult expectant mothers of unborn children shall not be open to inspection or their contents disclosed except under sub. (1b), (1d) or (5) or s. 48.293 or by order of the court. This subsection does not apply to the representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the or adult expectant mother child involved, to the confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies or to children 10 years of age or older who are subject to the jurisdiction of the court of criminal jurisdiction. A public school official who obtains information under this subsection shall keep the information confidential as required under s. 118.125 and a private school official who obtains information under this subsection shall keep the information confidential in the same manner as is required of a public school official under s. 118.125. A law enforcement agency that obtains information under this subsection shall keep the information confidential as required under this subsection and s. 938.396 (1). A social welfare agency that obtains information under this subsection shall keep the information confidential as required under ss. 48.78 and 938.78.

Section 224. 48.396 (1b) of the statutes is amended to read:

48.396 **(1b)** If requested by the parent, guardian or legal custodian of a child who is the subject of a law enforcement officer's report, or if requested by the child, if 14 years of age or over, a law enforcement agency may, subject to official agency policy, provide to the parent, guardian, legal custodian or child a copy of that report. If requested by the parent, guardian or legal custodian of a child expectant mother of an unborn child who is the subject of a law enforcement officer's report, if requested by an expectant mother of an unborn child who is the subject of a law enforcement officer's report, if 14 years of age or over, or if requested by an unborn child through the unborn child's guardian ad litem, a law enforcement agency may, subject to official agency policy, provide to the parent, guardian, legal custodian, expectant mother or unborn child by the unborn child's guardian ad litem a copy of that report.

Section 225. 48.396 (1d) of the statutes is amended to read:

48.396 **(1d)** Upon the written permission of the parent, guardian or legal custodian of a child who is the subject of a law enforcement officer's report or upon the written permission of the child, if 14 years of age or over, a law enforcement agency may, subject to official agency policy, make available to the person named in the permission any reports specifically identified by the parent, guardian, legal custodian or child in the written permission. Upon the written permission of the parent, guardian or legal custodian of a child expectant mother of an unborn child who is the subject of a law enforcement officer's report, or of an expectant mother of an unborn child who is the subject of a law enforcement officer's report, if 14 years of age or over, and of the unborn child by the unborn child's guardian ad litem, a law enforcement agency may, subject to official agency policy, make available to the person named in the permission any reports specifically identified by the parent, guardian, legal custodian or expectant mother, and unborn child by the unborn child's guardian ad litem in the written permission.

Section 226. 48.396 (2) (aj) of the statutes is created to read:

48.396 **(2)** (aj) Upon request of the parent, guardian or legal custodian of a child expectant mother of an unborn child who is the subject of a record of a court specified in par. (a), upon request of an expectant mother of an unborn child who is the subject of a record of a court specified in par. (a), if 14 years of age or over, or upon request of an unborn child by the unborn child's guardian ad litem, the court shall open for inspection by the parent, guardian, legal custodian, expectant mother or unborn child by the unborn child's guardian ad litem the records of the court relating to that expectant mother, unless the court finds, after due notice and hearing, that inspection of those records by the parent, guardian, legal custodian, expectant mother or unborn child by the unborn child's guardian ad litem would result in imminent danger to anyone.

SECTION 227. 48.396 (2) (ap) of the statutes is created to read:

48.396 **(2)** (ap) Upon the written permission of the parent, guardian or legal custodian of a child expectant mother of an unborn child who is the subject of a record of a court specified in par. (a), or of an expectant mother of an unborn child who is the subject of a record of a court specified in par. (a), if 14 years of age or over, and of the unborn child by the unborn child's guardian ad litem, the court shall open for inspection by the person named in the permission any records specifically identified by the parent, guardian, legal custodian or expectant mother, and unborn child by the unborn child's guardian ad litem in the written permission, unless the court finds, after due notice and hearing, that inspection of those records by the person named in the permission would result in imminent danger to anyone.

SECTION 228. 48.396 (5) (b) of the statutes is amended to read:

48.396 **(5)** (b) The court shall notify the child, the child's counsel, the child's parents ~~and,~~ appropriate law enforcement agencies and, if the child is an expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child by the unborn child's guardian ad litem and appropriate law enforcement agencies, in writing of the petition. If any person notified objects to the disclosure, the court may hold a hearing to take evidence relating to the petitioner's need for the disclosure.

SECTION 229. 48.396 (5) (c) of the statutes is amended to read:

48.396 **(5)** (c) The court shall make an inspection, which may be in camera, of the ~~child's~~ records of the child or expectant mother. If the court determines that the information sought is for good cause and that it cannot be obtained with reasonable effort from other sources, ~~it~~ the court shall then determine whether the petitioner's need for the information outweighs society's interest in protecting its confidentiality. In making ~~this~~ that determination, the court shall balance the ~~petitioner's~~ interest of the petitioner in obtaining access to the record against the ~~child's~~ interest of the child or expectant mother in avoiding the stigma that might result from disclosure.

SECTION 230. 48.396 (5) (e) of the statutes is amended to read:

48.396 **(5)** (e) The court shall record the reasons for its decision to disclose or not to disclose the ~~child's~~ records of the child or expectant mother. All records related to a decision under this subsection are confidential.

SECTION 231. 48.415 (2) (a) of the statutes is amended to read:

48.415 **(2)** (a) That the child has been adjudged to be a child or an unborn child in need of protection or services and placed, or continued in a placement, outside his or her home pursuant to one or more court orders under s. 48.345, 48.347, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363 or 938.365 containing the notice required by s. 48.356 (2) or 938.356 (2).

SECTION 232. 48.415 (2) (b) 1. of the statutes is amended to read:

48.415 **(2)** (b) 1. In this paragraph, "diligent effort" means an earnest and conscientious effort to take good faith steps to provide the services ordered by the court which takes into consideration the characteristics of the parent or child or of the expectant mother or child, the level of cooperation of the parent or expectant mother and other relevant circumstances of the case.

SECTION 233. 48.415 (2) (b) 2. of the statutes is amended to read:

48.415 **(2)** (b) 2. That the agency responsible for the care of the child and the family or of the unborn child and expectant mother has made a diligent effort to provide the services ordered by the court.

SECTION 234m. 48.415 (2) (c) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

48.415 **(2)** (c) That the child has been outside the home for a cumulative total period of 6 months or longer pursuant to such orders not including time spent outside the home as an unborn child; and that the parent has failed to meet the conditions established for the return of the child to the home and there is a substantial likelihood that the parent will not meet these conditions within the 12−month period following the fact−finding hearing under s. 48.424.

SECTION 235m. 48.44 (1) of the statutes, as affected by 1997 Wisconsin Act 35, is amended to read:

48.44 **(1)** The court has jurisdiction over persons 17 years of age or older as provided under ss. 48.133, 48.355 (4) and 48.45 and as otherwise specifically provided in this chapter.

SECTION 236. 48.45 (1) (am) of the statutes is created to read:

48.45 **(1)** (am) If in the hearing of a case of an unborn child and the unborn child's expectant mother alleged to be in a condition described in s. 48.133 it appears that any person 17 years of age or over has been guilty of contributing to, encouraging, or tending to cause by any act or omission, such condition of the unborn child and expectant mother, the judge may make orders with respect to the conduct of such person in his or her relationship to the unborn child and expectant mother.

SECTION 237. 48.45 (1) (b) of the statutes is amended to read:

48.45 **(1)** (b) An act or failure to act contributes to a condition of a child as described in s. 48.13 or an unborn child and the unborn child's expectant mother as described in s. 48.133, although the child is not actually adjudicated to come within the provisions of s. 48.13 or the unborn child and expectant mother are not actually adjudicated to come within the provisions of s. 48.133, if the natural and probable consequences of that act or failure

to act would be to cause the child to come within the provisions of s. 48.13 or the unborn child and expectant mother to come within the provisions of s. 48.133.

Section 238. 48.45 (1r) of the statutes is created to read:

48.45 **(1r)** In a proceeding in which an unborn child has been found to be in need of protection or services under s. 48.133, the judge may impose on the expectant mother any disposition permitted under s. 48.347 (1) to (6).

Section 239. 48.45 (2) of the statutes is amended to read:

48.45 **(2)** No order under sub. (1) (a) or (am) or (1m) (a) may be entered until the person who is the subject of the contemplated order is given an opportunity to be heard on the contemplated order. The court shall cause notice of the time, place and purpose of the hearing to be served on the person personally at least 10 days before the date of hearing. The procedure in these cases shall, as far as practicable, be the same as in other cases in the court. At the hearing the person may be represented by counsel and may produce and cross−examine witnesses. Any person who fails to comply with any order issued by a court under sub. (1) (a) or (am) or (1m) (a) may be proceeded against for contempt of court. If the person's conduct involves a crime, the person may be proceeded against under the criminal law.

Section 240m. 48.46 (1) of the statutes, as affected by 1997 Wisconsin Acts 104 and 114, is repealed and recreated to read:

48.46 **(1)** Except as provided in subs. (1m), (2) and (3), the child whose status is adjudicated by the court, the parent, guardian or legal custodian of that child, the unborn child whose status is adjudicated by the court or the expectant mother of that unborn child may at any time within one year after the entering of the court's order petition the court for a rehearing on the ground that new evidence has been discovered affecting the advisability of the court's original adjudication. Upon a showing that such evidence does exist, the court shall order a new hearing.

Section 241. 48.48 (1) of the statutes is amended to read:

48.48 **(1)** To promote the enforcement of the laws relating to nonmarital children ~~and~~, children in need of protection or services including developmentally disabled children and unborn children in need of protection or services and to take the initiative in all matters involving the interests of ~~such~~ those children ~~where~~ and unborn children when adequate provision ~~therefor~~ for those interests is not made. This duty shall be discharged in cooperation with the courts, county departments, licensed child welfare agencies and with parents, expectant mothers and other individuals interested in the welfare of children and unborn children.

Section 242. 48.48 (16) of the statutes is amended to read:

48.48 **(16)** To establish and enforce standards for services provided under ~~s.~~ ss. 48.345 and 48.347.

Section 242g. 48.48 (17) (a) 1. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

48.48 **(17)** (a) 1. Investigate the conditions surrounding nonmarital children ~~and~~, children in need of protection or services and unborn children in need of protection or services within the county and to take every reasonable action within its power to secure for them the full benefit of all laws enacted for their benefit. Unless provided by another agency, the department shall offer social services to the caretaker of any child, and to the expectant mother of any unborn child, who is referred to ~~it~~ the department under the conditions specified in this subdivision. This duty shall be discharged in cooperation with the court and with the public officers or boards legally responsible for the administration and enforcement of these laws.

Section 242m. 48.48 (17) (a) 2. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

48.48 **(17)** (a) 2. Accept legal custody of children transferred to it by the court under s. 48.355, to accept supervision over expectant mothers of unborn children who are placed under its supervision under s. 48.355 and to provide special treatment and care for children and expectant mothers if ordered by the court and if providing special treatment and care is not the responsibility of the county department under s. 46.215, 51.42 or 51.437. A court may not order the department to administer psychotropic medications to children and expectant mothers who receive special treatment or care under this subdivision.

Section 242p. 48.48 (17) (a) 3. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

48.48 **(17)** (a) 3. Provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing the children in licensed foster homes, ~~licensed~~ treatment foster homes or ~~licensed~~ group homes in this state or another state within a reasonable proximity to the agency with legal custody or contracting for services for ~~them~~ those children by licensed child welfare agencies, except that the department may not purchase the educational component of private day treatment programs unless the department, the school board as defined in s. 115.001 (7) and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

Section 242r. 48.48 (17) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

48.48 **(17)** (b) In performing the functions specified in par. (a), the department may avail itself of the cooperation of any individual or private agency or organization interested in the social welfare of children and unborn children in the county.

SECTION 243. 48.52 (title) of the statutes is amended to read:

48.52 (title) **Facilities for care of children and adult expectant mothers in care of department.**

SECTION 244. 48.52 (1m) of the statutes is created to read:

48.52 **(1m)** FACILITIES MAINTAINED OR USED FOR ADULT EXPECTANT MOTHERS. The department may maintain or use the following facilities for adult expectant mothers in its care:

(a) Community−based residential facilities, as defined in s. 50.01 (1g).

(b) Inpatient facilities, as defined in s. 51.01 (10).

(c) Other facilities determined by the department to be appropriate for the adult expectant mother.

SECTION 245. 48.52 (2) (a) of the statutes is amended to read:

48.52 **(2)** (a) In addition to the facilities and services described in sub. (1), the department may use other facilities and services under its jurisdiction. The department may also contract for and pay for the use of other public facilities or private facilities for the care and treatment of children and the expectant mothers of unborn children in its care. Placements in institutions for the mentally ill or developmentally disabled shall be made in accordance with ss. 48.14 (5), 48.347 (6) and 48.63 and ch. 51.

SECTION 246. 48.547 (title) of the statutes is amended to read:

48.547 (title) ~~**Juvenile alcohol**~~ **Alcohol and other drug abuse** ~~**pilot**~~ **program.**

SECTION 247. 48.547 (1) of the statutes is amended to read:

48.547 **(1)** LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that the use and abuse of alcohol and other drugs by children and the expectant mothers of unborn children is a state responsibility of statewide dimension. The legislature recognizes that there is a lack of adequate procedures to screen, assess and treat children and the expectant mothers of unborn children for alcohol and other drug abuse. To reduce the incidence of alcohol and other drug abuse by children and the expectant mothers of unborn children, the legislature deems it necessary to experiment with solutions to the problems of the use and abuse of alcohol and other drugs by children and the expectant mothers of unborn children by establishing a juvenile and expectant mother alcohol and other drug abuse ~~pilot~~ program in a limited number of counties. The purpose of the program is to develop intake and court procedures that screen, assess and give new dispositional alternatives for children and expectant mothers with needs and problems related to the use of alcohol beverages, controlled substances or controlled substance analogs who come within the jurisdiction of a court assigned to exercise jurisdiction under this chapter and ch. 938 in the ~~pilot~~ counties selected by the department.

SECTION 248. 48.547 (2) of the statutes is amended to read:

48.547 **(2)** DEPARTMENT RESPONSIBILITIES. Within the availability of funding under s. 20.435 (7) (mb) that is available for the ~~pilot~~ program, the department shall select counties to participate in the ~~pilot~~ program. Unless a county department of human services has been established under s. 46.23 in the county that is seeking to implement a ~~pilot~~ program, the application submitted to the department shall be a joint application by the county department that provides social services and the county department established under s. 51.42 or 51.437. The department shall select counties in accordance with the request for proposal procedures established by the department. The department shall give a preference to county applications that include a plan for case management. ~~The counties selected shall begin the pilot program on January 1, 1989.~~

SECTION 249. 48.547 (3) (intro.), (b) and (d) of the statutes are amended to read:

48.547 **(3)** MULTIDISCIPLINARY SCREEN. (intro.) ~~By September 1, 1988, the~~ The department shall ~~develop~~ provide a multidisciplinary screen for the ~~pilot~~ program. The screen shall be used by an intake worker to determine whether or not a child or an expectant mother of an unborn child is in need of an alcohol or other drug abuse assessment. The screen shall also include indicators that screen children and expectant mothers for:

(b) School ~~or,~~ truancy or work problems.

(d) Delinquent or criminal behavior patterns.

SECTION 250. 48.547 (4) of the statutes is amended to read:

48.547 **(4)** ASSESSMENT CRITERIA. ~~By September 1, 1988, the~~ The department shall ~~develop~~ provide uniform alcohol and other drug abuse assessment criteria to be used in the pilot program under ss. 48.245 (2) (a) 3. and 48.295 (1). An approved treatment facility that assesses a person under s. 48.245 (2) (a) 3. or 48.295 (1) may not also provide the person with treatment unless the department permits the approved treatment facility to do both in accordance with the criteria established by rule by the department.

SECTION 251. 48.57 (1) (a) of the statutes is amended to read:

48.57 **(1)** (a) To investigate the conditions surrounding nonmarital children ~~and,~~ children in need of protection or services, including developmentally disabled children, and unborn children in need of protection or services within the county and to take every reasonable action within its power to secure for them the full benefit of all laws enacted for their benefit. Unless provided by another agency, the county department shall offer social

services to the caretaker of any child, and to the expectant mother of any unborn child, who is referred to it under the conditions specified in this paragraph. This duty shall be discharged in cooperation with the court and with the public officers or boards legally responsible for the administration and enforcement of ~~these~~ those laws.

SECTION 252. 48.57 (1) (b) of the statutes is amended to read:

48.57 **(1)** (b) To accept legal custody of children transferred to it by the court under s. 48.355, to accept supervision over expectant mothers of unborn children who are placed under its supervision under s. 48.355 and to provide special treatment and care for children and expectant mothers if ordered by the court. A court may not order a county department to administer psychotropic medications to children and expectant mothers who receive special treatment or care under this paragraph.

SECTION 253m. 48.57 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.57 **(1)** (c) To provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing ~~the~~ those children in licensed foster homes, ~~licensed~~ treatment foster homes or ~~licensed~~ group homes in this state or another state within a reasonable proximity to the agency with legal custody or contracting for services for ~~them~~ those children by licensed child welfare agencies, except that the county department ~~shall~~ may not purchase the educational component of private day treatment programs unless the county department, the school board as defined in s. 115.001 (7) and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 254. 48.57 (1) (g) of the statutes is amended to read:

48.57 **(1)** (g) Upon request of the department of health and family services or the department of corrections, to provide service for any child or expectant mother of an unborn child in the care of those departments.

SECTION 255. 48.57 (2) of the statutes is amended to read:

48.57 **(2)** In performing the functions specified in sub. (1) the county department may avail itself of the cooperation of any individual or private agency or organization interested in the social welfare of children and unborn children in the county.

SECTION 256m. 48.59 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.59 **(1)** The county department or, in a county having a population of 500,000 or more, the department or an agency under contract with the department shall investigate the personal and family history and environment of any child transferred to its legal custody or placed under its supervision under s. 48.345 and of every expectant mother of an unborn child placed under its supervision under s. 48.347 and make any physical or mental examinations of the child or expectant mother considered necessary to determine the type of care necessary for the child or expectant mother. The county department, department or agency shall screen a child or expectant mother who is examined under this subsection to determine whether the child or expectant mother is in need of special treatment or care because of alcohol or other drug abuse, mental illness or severe emotional disturbance. The county department, department or agency shall keep a complete record of the information received from the court, the date of reception, all available data on the personal and family history of the child or expectant mother, the results of all tests and examinations given the child or expectant mother and a complete history of all placements of the child while in the legal custody or under the supervision of the county department, department or agency or of the expectant mother while under the supervision of the county department, department or agency.

SECTION 257. 48.59 (2) of the statutes is amended to read:

48.59 **(2)** At the department's request, the county department shall report to the department regarding children who are in the legal custody or under the supervision of the county department and expectant mothers of unborn children who are under the supervision of the county department.

SECTION 258. 48.78 (2) (aj) of the statutes is created to read:

48.78 **(2)** (aj) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of a parent, guardian or legal custodian of a child expectant mother of an unborn child who is the subject of the record, upon the request of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, or upon the request of an unborn child by the unborn child's guardian ad litem to the parent, guardian, legal custodian, expectant mother or unborn child by the unborn child's guardian ad litem, unless the agency determines that inspection of those records by the parent, guardian, legal custodian, expectant mother or unborn child by the unborn child's guardian ad litem would result in imminent danger to anyone.

SECTION 259. 48.78 (2) (ap) of the statutes is created to read:

48.78 **(2)** (ap) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian or legal custodian of a child expectant mother of an unborn child who is the subject of the record, or of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over,

and of the unborn child by the unborn child's guardian ad litem, to the person named in the permission if the parent, guardian, legal custodian or expectant mother, and unborn child by the unborn child's guardian ad litem, specifically identify the record in the written permission, unless the agency determines that inspection of those records by the person named in the permission would result in imminent danger to anyone.

SECTION 260. 48.981 (title) of the statutes is amended to read:

48.981 (title) **Abused or neglected children and abused unborn children.**

SECTION 261. 48.981 (1) (ct) of the statutes is created to read:

48.981 **(1)** (ct) "Indian unborn child" means an unborn child who, when born, may be eligible for affiliation with an Indian tribe or band in any of the following ways:

1. As a member of the tribe or band.

2. As a person who is both eligible for membership in the tribe or band and the biological child of a member of the tribe or band.

SECTION 262. 48.981 (1) (h) (intro.) of the statutes is amended to read:

48.981 **(1)** (h) (intro.) "Subject" means a person or unborn child named in a report or record as ~~either~~ any of the following:

SECTION 263. 48.981 (1) (h) 1m. of the statutes is created to read:

48.981 **(1)** (h) 1m. An unborn child who is the victim or alleged victim of abuse or who is at substantial risk of abuse.

SECTION 264. 48.981 (1) (h) 2. of the statutes is amended to read:

48.981 **(1)** (h) 2. A person who is suspected of abuse or neglect or who has been determined to have abused or neglected a child or to have abused an unborn child.

SECTION 265m. 48.981 (2) of the statutes is amended to read:

48.981 **(2)** PERSONS REQUIRED TO REPORT. A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or mental health professional, social worker, marriage and family therapist, professional counselor, public assistance worker, including a financial and employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or counselor, mediator under s. 767.11, child care worker in a day care center or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42 or 51.437, physical therapist, occupational therapist, dietitian, speech–language pathologist, audiologist, emergency medical technician or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3). Any other person, including an attorney, having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. Any person, including an attorney having reason to suspect that an unborn child has been abused or reason to believe that an unborn child is at substantial risk of abuse may report as provided in sub. (3). No person making a report under this subsection may be discharged from employment for so doing.

SECTION 266m. 48.981 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(3)** (a) *Referral of report.* A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur. The sheriff or police department shall within 12 hours, exclusive of Saturdays, Sundays or legal holidays, refer to the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department all cases reported to it. The county department, department or licensed child welfare agency may require that a subsequent report be made in writing. Each county department, the department and a licensed child welfare agency under contract with the department shall adopt a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities.

SECTION 267. 48.981 (3) (b) 1. of the statutes is amended to read:

48.981 **(3)** (b) 1. Any person reporting under this section may request an immediate investigation by the sheriff or police department if the person has reason to suspect that ~~a child's~~ the health or safety of a child or of an unborn child is in immediate danger. Upon receiving such a request, the sheriff or police department shall immediately investigate to determine if there is reason to believe that the ~~child's~~ health or safety of the child or unborn child is in immediate danger and take any necessary action to protect the child or unborn child.

SECTION 268. 48.981 (3) (b) 2. of the statutes is amended to read:

48.981 **(3)** (b) 2. If the investigating officer has reason under s. 48.19 (1) (c) or (cm) or (d) 5. or 8. to take a child into custody, the investigating officer shall take the child into custody and deliver the child to the intake worker under s. 48.20.

SECTION 269. 48.981 (3) (b) 2m. of the statutes is created to read:

48.981 **(3)** (b) 2m. If the investigating officer has reason under s. 48.193 (1) (c) or (d) 2. to take the adult expectant mother of an unborn child into custody, the investigating officer shall take the adult expectant mother into custody and deliver the adult expectant mother to the intake worker under s. 48.203.

SECTION 270. 48.981 (3) (bm) (intro.) of the statutes is amended to read:

48.981 **(3)** (bm) *Notice of report to Indian tribal agent.* (intro.) In a county which has wholly or partially within its boundaries a federally recognized Indian reservation or a bureau of Indian affairs service area for the ~~Winnebago~~ Ho−Chunk tribe, if a county department which receives a report under par. (a) pertaining to a child or unborn child knows that ~~he or she~~ the child is an Indian child who resides in the county or that the unborn child is an Indian unborn child whose expectant mother resides in the county, the county department shall provide notice, which shall consist only of the name and address of the child or expectant mother and the fact that a report has been received about that child or unborn child, within 24 hours to one of the following:

SECTION 271. 48.981 (3) (bm) 1. of the statutes is amended to read:

48.981 **(3)** (bm) 1. If the county department knows with which tribe or band the child is affiliated, or with which tribe or band the unborn child, when born, may be eligible for affiliation, and it is a Wisconsin tribe or band, the tribal agent of that tribe or band.

SECTION 272. 48.981 (3) (bm) 2. of the statutes is amended to read:

48.981 **(3)** (bm) 2. If the county department does not know with which tribe or band the child is affiliated, or with which tribe or band the unborn child, when born, may be eligible for affiliation, or the child or expectant mother is not affiliated with a Wisconsin tribe or band, the tribal agent serving the reservation or ~~Winnebago~~ Ho−Chunk service area where the child or expectant mother resides.

SECTION 273. 48.981 (3) (bm) 3. of the statutes is amended to read:

48.981 **(3)** (bm) 3. If neither subd. 1. nor 2. applies, any tribal agent serving a reservation or ~~Winnebago~~ Ho−Chunk service area in the county.

SECTION 274m. 48.981 (3) (c) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(3)** (c) 1. Within 24 hours after receiving a report under par. (a), the agency shall, in accordance with the authority granted to the department under s. 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child or unborn child is in need of protection or services. The investigation shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations or unborn child abuse investigations. If the investigation is of a report of child abuse or neglect or of child threatened abuse or neglect by a caregiver specified in sub. (1) (am) 5. to 8. who continues to have access to the child or a caregiver specified in sub. (1) (am) 1. to 4., or of a report that does not disclose who is suspected of the child abuse or neglect and in which the investigation does not disclose who abused or neglected the child, the investigation shall also include observation of or an interview with the child, or both, and, if possible, an interview with the child's parents, guardian or legal custodian. If the investigation is of a report of child abuse or neglect or threatened child abuse or neglect by a caregiver who continues to reside in the same dwelling as the child, the investigation shall also include, if possible, a visit to that dwelling. At the initial visit to the child's dwelling, the person making the investigation shall identify himself or herself and the agency involved to the child's parents, guardian or legal custodian. The agency may contact, observe or interview the child at any location without permission from the child's parent, guardian or legal custodian if necessary to determine if the child is in need of protection or services, except that the person making the investigation may enter a child's dwelling only with permission from the child's parent, guardian or legal custodian or after obtaining a court order to do so.

SECTION 275m. 48.981 (3) (c) 2m. of the statutes is created to read:

48.981 **(3)** (c) 2m. a. If the person making the investigation is an employe of the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department and he or she determines that it is consistent with the best interest of the unborn child in terms of physical safety and physical health to take the expectant mother into custody for the immediate protection of the unborn child, he or she shall take the expectant mother into custody under s. 48.08 (2), 48.19 (1) (cm) or 48.193 (1) (c) and deliver the expectant mother to the intake worker under s. 48.20 or 48.203.

b. If the person making the investigation is an employe of a licensed child welfare agency which is under contract with the county department and he or she determines that any unborn child requires immediate protection, he or she shall notify the county department of the circumstances and together with an employe of the county department shall take the expectant mother of the unborn child into custody under s. 48.08 (2), 48.19 (1) (cm) or 48.193 (1) (c) and deliver the expectant mother to the intake worker under s. 48.20 or 48.203.

SECTION 276m. 48.981 (3) (c) 3. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(3)** (c) 3. If the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under con-

tract with the department determines that a child, any member of the child's family or the child's guardian or legal custodian is in need of services or that the expectant mother of an unborn child is in need of services, the county department, department or licensed child welfare agency shall offer to provide appropriate services or to make arrangements for the provision of services. If the child's parent, guardian or legal custodian or the expectant mother refuses to accept the services, the county department, department or licensed child welfare agency may request that a petition be filed under s. 48.13 alleging that the child who is the subject of the report or any other child in the home is in need of protection or services or that a petition be filed under s. 48.133 alleging that the unborn child who is the subject of the report is in need of protection or services.

SECTION 277m. 48.981 (3) (c) 5. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(3)** (c) 5. The agency shall maintain a record of its actions in connection with each report it receives. The record shall include a description of the services provided to any child and to the parents, guardian or legal custodian of the child or to any expectant mother of an unborn child. The agency shall update the record every 6 months until the case is closed.

SECTION 278m. 48.981 (3) (c) 6. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(3)** (c) 6. The agency shall, within 60 days after it receives a report from a person required under sub. (2) to report, inform the reporter what action, if any, was taken to protect the health and welfare of the child or unborn child who is the subject of the report.

SECTION 279m. 48.981 (3) (c) 6m. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(3)** (c) 6m. If a person who is not required under sub. (2) to report makes a report and is a relative of the child, other than the child's parent, or is a relative of the expectant mother of the unborn child, that person may make a written request to the agency for information regarding what action, if any, was taken to protect the health and welfare of the child or unborn child who is the subject of the report. An agency that receives a written request under this subdivision shall, within 60 days after it receives the report or 20 days after it receives the written request, whichever is later, inform the reporter in writing of what action, if any, was taken to protect the health and welfare of the child or unborn child, unless a court order prohibits that disclosure, and of the duty to keep the information confidential under sub. (7) (e) and the penalties for failing to do so under sub. (7) (f). The agency may petition the court ex parte for an order prohibiting that disclosure and, if the agency does so, the time period within which the information must be disclosed is tolled on the date the petition is filed and remains tolled until the court issues a decision. The court may hold an ex parte hearing in camera and shall issue an order granting the petition if the court determines that disclosure of the information would not be in the best interests of the child or unborn child.

SECTION 280m. 48.981 (3) (c) 7. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(3)** (c) 7. The county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department shall cooperate with law enforcement officials, courts of competent jurisdiction, tribal governments and other human services agencies to prevent, identify and treat child abuse and neglect and unborn child abuse. The county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department shall coordinate the development and provision of services to abused and neglected children ~~and~~, to abused unborn children to families ~~where~~ in which child abuse or neglect has occurred ~~or~~, to expectant mothers who have abused their unborn children, to children and families ~~where~~ when circumstances justify a belief that abuse or neglect will occur and to the expectant mothers of unborn children when circumstances justify a belief that unborn child abuse will occur.

SECTION 281m. 48.981 (3) (c) 8. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(3)** (c) 8. Using the format prescribed by the department, each county department shall provide the department with information about each report that the county department receives or that is received by a licensed child welfare agency that is under contract with the county department and about each investigation that the county department or a licensed child welfare agency under contract with the county department conducts. Using the format prescribed by the department, a licensed child welfare agency under contract with the department shall provide the department with information about each report that the child welfare agency receives and about each investigation that the child welfare agency conducts. This information shall be used by the department to monitor services provided by county departments or licensed child welfare agencies under contract with county departments or the department. The department shall use nonidentifying information to maintain statewide statistics on child abuse and neglect and on unborn child abuse, and for planning and policy development purposes.

SECTION 282m. 48.981 (3) (d) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(3)** (d) 1. In this paragraph, "agent" includes, but is not limited to, a foster parent, treatment foster parent or other person given custody of a child or a human services professional employed by a county department under s. 51.42 or 51.437 or by a child welfare agency who is working with ~~the~~ a child or an expectant mother of an unborn child under contract with or under the supervision

of the department in a county having a population of 500,000 or more or a county department under s. 46.22.

SECTION 283m. 48.981 (3) (d) 2. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(3)** (d) 2. If an agent or employe of an agency required to investigate under this subsection is the subject of a report, or if the agency determines that, because of the relationship between the agency and the subject of a report, there is a substantial probability that the agency would not conduct an unbiased investigation, the agency shall, after taking any action necessary to protect the child or unborn child, notify the department. Upon receipt of the notice, the department, in a county having a population of less than 500,000 or a county department or child welfare agency designated by the department in any county shall conduct an independent investigation. If the department designates a county department under s. 46.22, 46.23, 51.42 or 51.437, that county department shall conduct the independent investigation. If a licensed child welfare agency agrees to conduct the independent investigation, the department may designate the child welfare agency to do so. The powers and duties of the department or designated county department or child welfare agency making an independent investigation are those given to county departments under par. (c).

SECTION 284. 48.981 (4) of the statutes is amended to read:

48.981 **(4)** IMMUNITY FROM LIABILITY. Any person or institution participating in good faith in the making of a report, conducting an investigation, ordering or taking of photographs or ordering or performing medical examinations of a child or of an expectant mother under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed. The immunity provided under this subsection does not apply to liability for abusing or neglecting a child or for abusing an unborn child.

SECTION 285m. 48.981 (7) (a) 1m. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(7)** (a) 1m. A reporter described in sub. (3) (c) 6m. who makes a written request to an agency for information regarding what action, if any, was taken to protect the health and welfare of the child or unborn child who is the subject of the report, unless a court order under sub. (3) (c) 6m. prohibits disclosure of that information to that reporter, except that the only information that may be disclosed is information in the record regarding what action, if any, was taken to protect the health and welfare of the child or unborn child who is the subject of the report.

SECTION 286. 48.981 (7) (a) 3m. of the statutes is amended to read:

48.981 **(7)** (a) 3m. A child's parent, guardian or legal custodian or the expectant mother of an unborn child, except that the person or agency maintaining the record or report may not disclose any information that would identify the reporter.

SECTION 287. 48.981 (7) (a) 4. of the statutes is amended to read:

48.981 **(7)** (a) 4. A child's foster parent, treatment foster parent or other person having physical custody of the child or a person having physical custody of the expectant mother of an unborn child, except that the person or agency maintaining the record or report may not disclose any information that would identify the reporter.

SECTION 288m. 48.981 (7) (a) 5. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(7)** (a) 5. A professional employe of a county department under s. 51.42 or 51.437 who is working with the child or the expectant mother of the unborn child under contract with or under the supervision of the county department under s. 46.22 or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department.

SECTION 289m. 48.981 (7) (a) 6. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(7)** (a) 6. A multidisciplinary child abuse and neglect or unborn child abuse team recognized by the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department.

SECTION 290. 48.981 (7) (a) 10. of the statutes is amended to read:

48.981 **(7)** (a) 10. A court conducting proceedings under s. 48.21 or 48.213, a court conducting proceedings related to a petition under s. 48.13, 48.133 or 48.42 or a court conducting dispositional proceedings under subch. VI or VIII in which abuse or neglect of the child who is the subject of the report or record or abuse of the unborn child who is the subject of the report or record is an issue.

SECTION 291. 48.981 (7) (a) 10m. of the statutes is amended to read:

48.981 **(7)** (a) 10m. A tribal court, or other adjudicative body authorized by a tribe or band to perform child welfare functions, that exercises jurisdiction over children and unborn children alleged to be in need of protection or services for use in proceedings in which abuse or neglect of the child who is the subject of the report or record or abuse of the unborn child who is the subject of the report or record is an issue.

SECTION 292m. 48.981 (7) (a) 11. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(7)** (a) 11. The county corporation counsel or district attorney representing the interests of the public, the agency legal counsel and the counsel or guardian ad litem representing the interests of a child in proceedings under subd. 10., 10g or 10j and the guardian ad litem representing the interests of an unborn child in proceedings under subd. 10.

SECTION 293. 48.981 (7) (a) 11m. of the statutes is amended to read:

48.981 **(7)** (a) 11m. An attorney representing the interests of an Indian tribe or band ~~or~~ in proceedings under subd. 10m. or 10r., of an Indian child in proceedings under subd. 10m. or 10r. or of an Indian unborn child in proceedings under subd. 10m.

SECTION 294m. 48.981 (7) (a) 11r. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(7)** (a) 11r. A volunteer appointed or person employed by a court–appointed special advocate program recognized by the county board or the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department, to the extent necessary to perform the advocacy services in proceedings related to a petition under s. 48.13 or 48.133 for which the court–appointed special advocate program is recognized by the county board, county department or department.

SECTION 295. 48.981 (7) (a) 17. of the statutes is amended to read:

48.981 **(7)** (a) 17. A federal agency, state agency of this state or any other state or local governmental unit located in this state or any other state that has a need for a report or record in order to carry out its responsibility to protect children from abuse or neglect or to protect unborn children from abuse.

SECTION 296m. 48.981 (8) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(8)** (a) The department, the county departments and a licensed child welfare agency under contract with the department in a county having a population of 500,000 or more to the extent feasible shall conduct continuing education and training programs for staff of the department, the county departments, a licensed child welfare agency under contract with the department or a county department, and the tribal social services departments, persons and officials required to report, the general public and others as appropriate. The programs shall be designed to encourage reporting of child abuse and neglect and of unborn child abuse, to encourage self–reporting and voluntary acceptance of services and to improve communication, cooperation and coordination in the identification, prevention and treatment of child abuse and neglect and of unborn child abuse. The department, the county departments and a licensed child welfare agency under contract with the department in a county having a population of 500,000 or more shall develop public information programs about child abuse and neglect and about unborn child abuse.

SECTION 297. 48.981 (8) (b) of the statutes is amended to read:

48.981 **(8)** (b) The department shall to the extent feasible ensure that there are available in the state administrative procedures, personnel trained in child abuse and neglect and in unborn child abuse, multidisciplinary programs and operational procedures and capabilities to deal effectively with child abuse and neglect cases and with unborn child abuse cases. These procedures and capabilities may include, but are not limited to, receipt, investigation and verification of reports; determination of treatment or ameliorative social services; or referral to the appropriate court.

SECTION 298m. 48.981 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(8)** (c) In meeting its responsibilities under par. (a) or (b), the department, a county department or a licensed child welfare agency under contract with the department in a county having a population of 500,000 or more may contract with any public or private organization which meets the standards set by the department. In entering into the contracts the department, county department or licensed child welfare agency shall give priority to parental organizations combating child abuse and neglect or unborn child abuse.

SECTION 299m. 48.981 (8) (d) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.981 **(8)** (d) 1. Each agency staff member and supervisor whose responsibilities include investigation or treatment of child abuse and neglect or of unborn child abuse shall successfully complete training in child abuse and neglect protective services and in unborn child abuse protective services approved by the department. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

SECTION 300. 48.981 (9) of the statutes is amended to read:

48.981 **(9)** ANNUAL REPORTS. Annually, the department shall prepare and transmit to the governor, and to the legislature under s. 13.172 (2), a report on the status of child abuse and neglect programs and on the status of unborn child abuse programs. The report shall include a full statistical analysis of the child abuse and neglect reports, and the unborn child abuse reports, made through the last calendar year, an evaluation of services offered under this section and their effectiveness, and recommendations for additional legislative and other action to fulfill the purpose of this section. The department shall provide statistical breakdowns by county, if requested by a county.

SECTION 301m. 48.985 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.985 **(1)** FEDERAL PROGRAM OPERATIONS. From the appropriation under s. 20.435 (3) (n), the department shall expend not more than $273,700 in each fiscal year of the moneys received under 42 USC 620 to 626 for the department's expenses in connection with administering the expenditure of funds received under 42 USC 620 to 626 and for child abuse and neglect and unborn child abuse independent investigations.

SECTION 302m. 48.985 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.985 **(2)** COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the appropriation under s. 20.435 (7) (o), the department shall distribute not more than $3,804,000 in fiscal year 1997−98 and not more than $3,734,000 in fiscal year 1998−99 of the moneys received under 42 USC 620 to 626 to county departments under ss. 46.215, 46.22 and 46.23 for the provision or purchase of child welfare projects and services, for services to children and families, for services to the expectant mothers of unborn children and for family−based child welfare services.

SECTION 303. 51.13 (4) (h) 4. of the statutes is amended to read:

51.13 **(4)** (h) 4. If there is a reason to believe the minor is in need of protection or services under s. 48.13 or 938.13 or the minor is an expectant mother of an unborn child in need of protection or services under s. 48.133, dismiss the petition and authorize the filing of a petition under s. 48.25 (3) or 938.25 (3). The court may release the minor or may order that the minor be taken and held in custody under s. 48.19 (1) (c) or (cm) or 938.19 (1) (c).

SECTION 304. 51.30 (4) (b) 9. of the statutes is amended to read:

51.30 **(4)** (b) 9. To a facility which is to receive an individual who is involuntarily committed under this chapter, ch. 48, 971 or 975 upon transfer of the individual from one treatment facility to another. Release of records under this subdivision shall be limited to such treatment records as are required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but it may not include the patient's complete treatment record. The department shall promulgate rules to implement this subdivision.

SECTION 305. 51.30 (4) (b) 11. of the statutes is amended to read:

51.30 **(4)** (b) 11. To the subject individual's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals or other actions relating to detention, admission, commitment or patients' rights under this chapter or ch. 48, 971 or 975.

SECTION 306. 51.30 (4) (b) 11m. of the statutes is created to read:

51.30 **(4)** (b) 11m. To the guardian ad litem of the unborn child, as defined in s. 48.02 (19), of a subject individual, without modification, at any time to prepare for proceedings under s. 48.133.

SECTION 307. 51.30 (4) (b) 14. of the statutes is amended to read:

51.30 **(4)** (b) 14. To the counsel for the interests of the public in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals or other actions relating to detention, admission or commitment under this chapter or ch. 48, 971 or 975. Records released under this subdivision are limited to information concerning the admission, detention or commitment of an individual who is presently admitted, detained or committed.

SECTION 308. 51.30 (4) (b) 17. of the statutes is amended to read:

51.30 **(4)** (b) 17. To the county agency designated under s. 46.90 (2) or other investigating agency under s. 46.90 for the purposes of s. 46.90 (4) (a) and (5) , to the county department, as defined in s. 48.02 (2g), or the sheriff or police department for the purposes of s. 48.981 (2) and (3) or to the county protective services agency designated under s. 55.02 for purposes of s. 55.043. The treatment record holder may release treatment record information by initiating contact with the county protective services agency or county department, as defined in s. 48.02 (2g), without first receiving a request for release of the treatment record from the county protective services agency or county department.

SECTION 308m. 51.46 of the statutes is created to read:

51.46 Priority for pregnant women for private treatment for alcohol or other drug abuse. For inpatient or outpatient treatment for alcohol or other drug abuse, the first priority for services that are available in privately operated facilities, whether on a voluntary or involuntary basis, is for pregnant women who suffer from alcoholism, alcohol abuse or drug dependency.

SECTION 309. 51.61 (1) (intro.) of the statutes is amended to read:

51.61 **(1)** (intro.) In this section, "patient" means any individual who is receiving services for mental illness, developmental disabilities, alcoholism or drug dependency, including any individual who is admitted to a treatment facility in accordance with this chapter or ch. 48 or 55 or who is detained, committed or placed under this chapter or ch. 48, 55, 971, 975 or 980, or who is transferred to a treatment facility under s. 51.35 (3) or 51.37 or who is receiving care or treatment for those conditions through the department or a county department under s. 51.42 or 51.437 or in a private treatment facility. "Patient" does not include persons committed under ch. 975 who are transferred to or residing in any state prison listed under s. 302.01. In private hospitals and in public general hospitals, "patient" includes any individual who is admitted for the primary purpose of treatment of mental illness, developmental disability, alcoholism or drug abuse but does not include an individual who receives treatment in a hospital emergency room nor an individual who receives treatment on an outpatient basis at those hospitals, unless the individual is otherwise covered under this subsection. Except as provided in sub. (2), each patient shall:

SECTION 310m. 146.0255 (2) of the statutes, as affected by 1997 Wisconsin Act 35, is amended to read:

146.0255 **(2)** TESTING. Any hospital employe who provides health care, social worker or intake worker under ch. 48 may refer an infant or an expectant mother of an unborn child, as defined in s. 48.02 (19), to a physician for testing of the ~~infant's~~ bodily fluids of the infant or expectant mother for controlled substances or controlled substance analogs if the hospital employe who provides health care, social worker or intake worker suspects that the infant or expectant mother has controlled substances or controlled substance analogs in the ~~infant's~~ bodily fluids of the infant or expectant mother because of the ~~mother's~~ use of controlled substances or controlled substance analogs by the mother while she was pregnant with the infant or by the expectant mother while she is pregnant with the unborn child. The physician may test the infant or expectant mother to ascertain whether or not the infant or expectant mother has controlled substances or controlled substance analogs in the ~~infant's~~ bodily fluids of the infant or expectant mother, if the physician determines that there is a serious risk that there are controlled substances or controlled substance analogs in the ~~infant's~~ bodily fluids of the infant or expectant mother because of the ~~mother's~~ use of controlled substances or controlled substance analogs by the mother while she was pregnant with the infant or by the expectant mother while she is pregnant with the unborn child and that the health of the infant, the unborn child or the child when born may be adversely affected by the controlled substances or controlled substance analogs. If the results of the test indicate that the infant does have controlled substances or controlled substance analogs in the infant's bodily fluids, the physician shall make a report under s. 46.238. If the results of the test indicate that the expectant mother does have controlled substances or controlled substance analogs in the expectant mother's bodily fluids, the physician may make a report under s. 46.238. Under this subsection, no physician may test an expectant mother without first receiving her informed consent to the testing.

SECTION 311. 146.0255 (3) (intro.) of the statutes is amended to read:

146.0255 **(3)** TEST RESULTS. (intro.) The physician who performs a test under sub. (2) shall provide the infant's parents or guardian or the expectant mother with all of the following information:

SECTION 311m. 146.0255 (3) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

146.0255 **(3)** (b) A statement of explanation that the test results of an infant must, and that the test results of an expectant mother may, be disclosed to a county department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, to the county department under s. 51.42 or 51.437 in accordance with s. 46.238 if the test results are positive.

SECTION 312. 146.82 (2) (a) 11. of the statutes is amended to read:

146.82 **(2)** (a) 11. To a county department, as defined under s. 48.02 (2g), a sheriff or police department or a district attorney for purposes of investigation of threatened or suspected child abuse or neglect or suspected unborn child abuse or for purposes of prosecution of alleged child abuse or neglect, if the person conducting the investigation or prosecution identifies the subject of the record by name. The health care provider may release information by initiating contact with a county department, sheriff or police department or district attorney without receiving a request for release of the information. A person to whom a report or record is disclosed under this subdivision may not further disclose it, except to the persons, for the purposes and under the conditions specified in s. 48.981 (7).

SECTION 313. 301.01 (2) (cm) of the statutes is created to read:

301.01 **(2)** (cm) Any expectant mother held in custody under ss. 48.193 to 48.213.

SECTION 314. 757.69 (1) (g) of the statutes is amended to read:

757.69 **(1)** (g) When assigned to the court assigned jurisdiction under chs. 48 and 938, a court commissioner may, under ch. 48 or 938, issue summonses and warrants, order the release or detention of children ~~apprehended~~ or expectant mothers of unborn children taken into custody, conduct detention and shelter care hearings, conduct preliminary appearances, conduct uncontested proceedings under ss. 48.13, 48.133, 938.12, 938.13 and 938.18, enter into consent decrees and exercise the powers and perform the duties specified in par. (j) or (m), whichever is applicable, in proceedings under s. 813.122 or 813.125 in which the respondent is a child. Contested waiver hearings under s. 938.18 and dispositional hearings under ss. 48.335 and 938.335 shall be conducted by a judge. When acting in an official capacity and assigned to the children's court center, a court commissioner shall sit at the children's court center or such other facility designated by the chief judge. Any decision by the commissioner shall be reviewed by the judge of the branch of court to which the case has been assigned, upon motion of any party. Any determination, order or ruling by the commissioner may be certified to the branch of court to which such case has been assigned upon a motion of any party for a hearing de novo.

SECTION 315. 808.075 (4) (a) 4. of the statutes is amended to read:

808.075 **(4)** (a) 4. Hearing for child held in custody under s. 48.21 or an adult expectant mother of an unborn child held in custody under s. 48.213.

SECTION 316. 813.122 (1) (a) of the statutes is amended to read:

813.122 **(1)** (a) "Abuse" has the meaning given in s. 48.02 (1) (a) and (b) to (gm) and, in addition, includes a threat to engage in any conduct under s. 48.02 (1), other than conduct under s. 48.02 (1) (am).

SECTION 317. 904.085 (4) (d) of the statutes is amended to read:

904.085 **(4)** (d) A mediator reporting child or unborn child abuse under s. 48.981 or reporting nonidentifying information for statistical, research or educational purposes does not violate this section.

SECTION 318. 905.04 (4) (e) (title) of the statutes is amended to read:

905.04 **(4)** (e) (title) *Abused or neglected child or abused unborn child.*

SECTION 319. 905.04 (4) (e) 3. of the statutes is created to read:

905.04 **(4)** (e) 3. There is no privilege in situations where the examination of the expectant mother of an abused unborn child creates a reasonable ground for an opinion of the physician, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist or professional counselor that the physical injury inflicted on the unborn child was caused by the habitual lack of self−control of the expectant mother of the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.

SECTION 320. 938.245 (8) of the statutes is amended to read:

938.245 **(8)** If the obligations imposed under the deferred prosecution agreement are met, the intake worker shall so inform the juvenile and a parent, guardian and legal custodian in writing, and no petition may be filed or citation issued on the charges that brought about the deferred prosecution agreement nor may the charges be the sole basis for a petition under s. 48.13, 48.133, 48.14, 938.13 or 938.14.

SECTION 320s. Nonstatutory provisions.

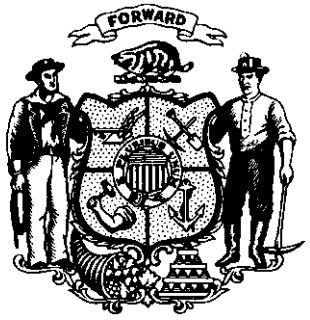
(1) This act shall be construed in accordance with section 990.001 (11) of the statutes so that if any provision of this act is invalid, or if the application of this act to any person or circumstance is invalid, that invalidity shall not affect any other provision or application of this act which can be given effect without the invalid provision or application.

SECTION 321. Initial applicability.

(1) GENERAL APPLICABILITY. This act first applies to an expectant mother of an unborn child, as defined in section 48.02 (19) of the statutes, as created by this act, who exhibits a lack of self−control in the use of alcohol beverages, controlled substances or controlled substance analogs, to a severe degree, on the effective date of this subsection, but does not preclude consideration of a lack of that self−control exhibited before the effective date of this subsection in determining whether the lack of that self−control is habitual or is habitually exhibited to a severe degree, or in determining whether there is a substantial risk that the physical health of the unborn child, or of the child when born, will be seriously affected or endangered due to the habitual lack of that self−control, exhibited to a severe degree.

(2t) PRIORITY FOR PREGNANT WOMEN FOR PRIVATE TREATMENT FOR ALCOHOL OR OTHER DRUG ABUSE. The treatment of section 51.46 of the statutes first applies to applications for voluntary admission that are submitted and emergency detentions and involuntary commitments that are made on the effective date of this subsection.

State of Wisconsin



Date of enactment: **June 30, 1998**
1997 Assembly Bill 790 Date of publication*: **July 4, 1998**

1997 WISCONSIN ACT 307

AN ACT ***to repeal*** 36.09 (1) (k) 2. c., 36.09 (1) (k) 2. d. and 230.14 (2); ***to renumber and amend*** 230.25 (3); ***to amend*** 36.09 (1) (k) 2. b., 230.14 (1), 230.15 (1), 230.16 (2), 230.16 (3), 230.21 (1), 230.22 (3), 230.25 (1), 230.26 (2), 230.27 (2), 230.31 (1) (intro.), 230.31 (1) (a), 230.31 (1) (b), 230.33 (1), 230.35 (1) (g) 2. and 230.40 (3); and ***to create*** 230.15 (2m), 230.25 (3) (b), 230.25 (5), 230.275 and 230.44 (1) (dm) of the statutes; **relating to:** various measures affecting the state civil service.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 36.09 (1) (k) 2. b. of the statutes is amended to read:

36.09 **(1)** (k) 2. b. Establish and maintain pay ranges, each of which has a minimum and a maximum rate of pay and~~, using the job evaluation system developed by the secretary of employment relations,~~ assign the job categories established under subd. 2. a. to those pay ranges. This subd. 2. b. does not apply to appointments under s. 36.13 (4).

SECTION 2. 36.09 (1) (k) 2. c. of the statutes is repealed.

SECTION 3. 36.09 (1) (k) 2. d. of the statutes is repealed.

SECTION 4. 230.14 (1) of the statutes is amended to read:

230.14 **(1)** Recruitment for classified positions shall be an active continuous process conducted in a manner that assures a diverse, highly qualified group of applicants; and shall be conducted~~, except as provided under sub. (2),~~ on the broadest possible base consistent with sound personnel management practices and an approved affirmative action plan or program. Due consideration shall be given to the provisions of s. 230.19.

SECTION 5. 230.14 (2) of the statutes is repealed.

SECTION 5e. 230.15 (1) of the statutes is amended to read:

230.15 **(1)** Appointments to, and promotions in, the classified service~~,~~ shall be made only according to merit and fitness, which shall be ascertained so far as practicable by competitive examination. The administrator may waive competitive examination for appointments made under ~~sub.~~ subs. (1m) and (2) and shall waive competitive examination for appointments made under sub. (2m).

SECTION 5r. 230.15 (2m) of the statutes is created to read:

230.15 **(2m)** If a vacancy occurs in a position in the classified service and the administrator is notified by an appointing authority that the position is to be filled by a disabled veteran under s. 230.275, the administrator shall waive all competition requirements for filling the position.

SECTION 6. 230.16 (2) of the statutes is amended to read:

230.16 **(2)** Competitive examinations shall be free and open to all applicants who ~~at the time of application~~

* Section 991.11, WISCONSIN STATUTES 1995−96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

~~are residents of this state and who~~ have fulfilled the preliminary requirements stated in the examination announcement. To assure that all ~~residents of this state~~ applicants have a fair opportunity to compete, examinations shall be held at such times and places as, in the judgment of the administrator, most nearly meet the convenience of applicants and needs of the service. ~~If a critical need for employes in specific classifications or positions exists, the administrator may open competitive examinations to persons who are not residents of this state.~~

SECTION 7. 230.16 (3) of the statutes is amended to read:

230.16 **(3)** The administrator may appoint boards of examiners of at least 2 persons for the purpose of conducting oral examinations as a part of the examination procedure for certain positions. All board members shall be well−qualified and impartial ~~and at least one shall be from outside of the civil service~~. All questions asked and answers made in any examination of applicants shall be recorded and made a part of the records of the applicants.

SECTION 7e. 230.21 (1) of the statutes is amended to read:

230.21 **(1)** ~~The~~ Subject to s. 230.275, the administrator may, to meet the needs of the service, establish separate recruitment, examination and certification procedures for filling positions in unskilled labor and service classes.

SECTION 7m. 230.22 (3) of the statutes is amended to read:

230.22 **(3)** ~~The~~ Subject to s. 230.275, the administrator may establish separate recruitment, evaluation and certification procedures for certain entry professional positions. Vacancies in entry professional positions may be limited to persons with a degree from an institution of higher education, as defined in s. 108.02 (18), or a degree under an associate degree program, as defined in s. 38.01 (1).

SECTION 8. 230.25 (1) of the statutes is amended to read:

230.25 **(1)** Appointing authorities shall give written notice to the administrator of any vacancy to be filled in any position in the classified service. The administrator shall certify, under this subchapter and the rules of the administrator, from the register of eligibles appropriate for the kind and type of employment, the grade and class in which the position is classified, ~~the 5~~ any number of names at the head thereof ~~if the register of eligibles is less than 50. If the register is more than 50, the top 10%, with any fraction rounded to the next whole number, up to a maximum of 10 names, shall be certified~~. In determining the number of names to certify, the administrator shall use statistical methods and personnel management principles that are designed to maximize the number of certified names that are appropriate for filling the specific position vacancy. Up to 2 persons considered for appointment 3 times and not selected may be removed from the register for each 3 appointments made. Certification under this subsection shall be made before granting any preference under s. 230.16 (7).

SECTION 9. 230.25 (3) of the statutes is renumbered 230.25 (3) (a) and amended to read:

230.25 **(3)** (a) ~~The~~ Subject to par. (b), the term of eligibility on original entrance and promotional registers is 6 months and thereafter the register expires but may be reactivated by the administrator for up to 3 years from the date of the establishment of the register. ~~The~~ Except as provided in ss. 230.28 and 230.34, the eligibility of individuals for reinstatement ~~or~~ is 5 years and the eligibility of individuals for restoration is 3 years ~~except as provided in ss. 230.28 and 230.34~~.

SECTION 10. 230.25 (3) (b) of the statutes is created to read:

230.25 **(3)** (b) The administrator may allow a register to expire after 3 months, but only after considering the impact of such an action on the policy of this state to provide for equal employment opportunity and to take affirmative action, as specified in s. 230.01 (2).

SECTION 10d. 230.25 (5) of the statutes is created to read:

230.25 **(5)** Notwithstanding sub. (2) (a), if an appointing authority elects to appoint a disabled veteran to a vacant position on a noncompetitive basis under s. 230.275 and the appointing authority has requested a certification for the position, the administrator shall provide the appointing authority the names of all disabled veterans certified for appointment to the position and who satisfy the condition specified in s. 230.275 (1) (a) and the names of all such disabled veterans who are on any other employment register that is identified by the appointing authority.

SECTION 10h. 230.26 (2) of the statutes is amended to read:

230.26 **(2)** If there are urgent reasons for filling a vacancy in any position in the classified service and the administrator is unable to certify to the appointing authority, upon requisition by the latter, a list of persons eligible for appointment from an appropriate employment register, the appointing authority may nominate a person to the administrator for noncompetitive examination. If the nominee is certified by the administrator as qualified, the nominee may be appointed provisionally to fill the vacancy until an appointment can be made from a register established after announcement of competition for the position, except that no provisional appointment may be continued for more than 45 working days after the date of certification from the register. Successive appointments may not be made under this subsection. This subsection does not apply to a person appointed to a vacant position in the classified service under s. 230.275.

SECTION 10p. 230.27 (2) of the statutes is amended to read:

230.27 **(2)** ~~The~~ Subject to s. 230.275, the administrator may provide by rule for the selection and appointment of a person to a project position.

SECTION 10t. 230.275 of the statutes is created to read:

230.275 Noncompetitive appointment of certain disabled veterans. (1) Whenever a vacancy occurs in a position in the classified service that is determined by the administrator to be a nonprofessional position or in an entry professional position under s. 230.22, the appointing authority may appoint a disabled veteran on a noncompetitive basis if all of the following occur:

(a) The disabled veteran has served in the U.S. armed forces and is included on a U.S. armed forces permanent disability list with a disability rating of at least 30% or the disabled veteran has been rated by the U.S. department of veterans affairs as having a compensable service−connected disability of at least 30%.

(b) The disabled veteran presents to the appointing authority written documentation from an appropriate department of the federal government certifying the existence and extent of the disability. This certification must have been issued by the appropriate department of the federal government within the year preceding appointment.

(c) The appointing authority determines that the disabled veteran is qualified to perform the duties and responsibilities of the position.

(d) The appointing authority notifies the administrator in writing that the position is to be filled with a disabled veteran on a noncompetitive basis.

(e) The disabled veteran does not hold a permanent appointment or have mandatory restoration rights to a permanent appointment.

(2) A disabled veteran appointed to a vacant position under this section need not be certified under this subchapter for appointment to the position.

(3) (a) 1. If an appointing authority elects to appoint a disabled veteran to a vacant position on a noncompetitive basis under sub. (1), the appointing authority shall offer to interview for the position any disabled veteran who has expressed an interest to the appointing authority in applying for the position, who satisfies the condition specified in sub. (1) (a) and who appears to have the skills and experience suitable for performing the duties and responsibilities of the position.

2. If an appointing authority elects to appoint a disabled veteran to a vacant position on a noncompetitive basis under sub. (1) and the appointing authority has requested a certification for the position, the appointing authority shall offer to interview for the position any disabled veteran who is certified for appointment to the position and who satisfies the condition specified in sub. (1) (a).

(b) Except as provided in par. (a), if an appointing authority elects to appoint a disabled veteran to a vacant position on a noncompetitive basis under sub. (1), an appointing authority is not required to interview any other person, including any person certified for appointment to the position.

(4) Nothing in this section shall require an appointing authority to appoint a disabled veteran to a vacant position in the classified service or prohibit an appointing authority from filling a vacant position in the classified service from the list of those persons certified under this subchapter for appointment to the position.

SECTION 11. 230.31 (1) (intro.) of the statutes is amended to read:

230.31 **(1)** (intro.) Any person who has held a position and obtained permanent status in a class under the civil service law and rules and who has separated from the service without any delinquency or misconduct on his or her part but owing to reasons of economy or otherwise shall be granted the following considerations ~~for a 3−year period from the date of such separation~~:

SECTION 12. 230.31 (1) (a) of the statutes is amended to read:

230.31 **(1)** (a) ~~Such~~ For a 5−year period from the date of separation, the person shall be eligible for reinstatement in a position having a comparable or lower pay rate or range for which such person is qualified.

SECTION 13. 230.31 (1) (b) of the statutes is amended to read:

230.31 **(1)** (b) ~~In addition,~~ For a 3−year period from the date of separation, if on layoff status, the person shall be placed, in inverse order of layoff, on an appropriate mandatory restoration register for the unit used for layoff and on a restoration register for the agency from which the person was laid off. Use of such registers shall be subject to the rules of the administrator.

SECTION 14. 230.33 (1) of the statutes is amended to read:

230.33 **(1)** A person appointed by the governor, elected officer, judicial body or by a legislative body or committee, or by any other appointing authority when both the classified and unclassified positions are within his or her department, shall be granted a leave of absence without pay for the duration of the appointment and for 3 months thereafter, during which time the person has restoration rights to the former position or equivalent position in the department in which last employed without loss of seniority. The person shall also have reinstatement privileges for ~~3~~ 5 years following appointment to the unclassified service or for one year after termination of the unclassified appointment whichever is longer. Restoration rights and reinstatement privileges shall be forfeited if the reason for termination of the unclassified appointment would also be reason for discharge from the former position in the classified service.

SECTION 15. 230.35 (1) (g) 2. of the statutes is amended to read:

230.35 **(1)** (g) 2. Left the service through resignation or layoff and is reemployed or recalled within ~~3~~ 5 years.

SECTION 16. 230.40 (3) of the statutes is amended to read:

230.40 **(3)** A person who separates from the classified service to fill an elective position shall have reinstatement privileges for ~~3~~ 5 years following termination from the classified service or for one year following termination from the elective position, whichever is longer.

SECTION 16m. 230.44 (1) (dm) of the statutes is created to read:

230.44 **(1)** (dm) *Noncompetitive appointment of certain disabled veterans.* A personnel action under s. 230.275 by an appointing authority that is alleged to be illegal or an abuse of discretion. The administrator and the department may not be a party to any such appeal.

SECTION 17. Nonstatutory provisions.

(1) CERTIFICATION EVALUATION. The department of employment relations shall evaluate the certification procedures developed under section 230.25 (1) of the statutes, as affected by this act, with respect to the impact of the certification procedures on the state's affirmative action policy and the affirmative action plans of state agencies. The department shall submit the results of the evaluation to the legislature, in the manner provided under section 13.172 (2) of the statutes, and to the governor no later than one year after the effective date of this subsection.

SECTION 18. Initial applicability.

(1) CERTIFICATIONS. The treatment of section 230.25 (1) of the statutes first applies to names certified by the administrator of the division of merit recruitment and selection in the department of employment relations on the effective date of this subsection.

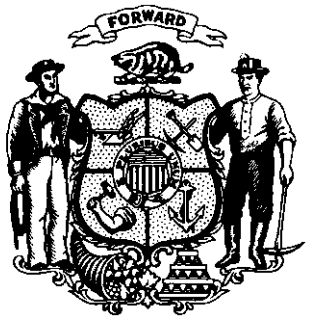
(2) UNIVERSITY OF WISCONSIN SYSTEM JOB CATEGORIES AND PAY RANGES FOR ACADEMIC STAFF. The treatment of section 36.09 (1) (k) 2. b., c. and d. of the statutes first applies to job categories and pay ranges established on the effective date of this subsection.

(3) REINSTATEMENT. The treatment of sections 230.25 (3) (with respect to the eligibility of individuals for reinstatement), 230.31 (1) (intro.), (a) and (b), 230.33 (1), 230.35 (1) (g) 2. and 230.40 (3) of the statutes first applies to any person who is initially eligible for reinstatement on the effective date of this subsection.

SECTION 18m. Effective date.

(1) The treatment of sections 230.15 (1) and (2m), 230.21 (1), 230.22 (3), 230.25 (5), 230.26 (2), 230.27 (2), 230.275 and 230.44 (1) (dm) of the statutes takes effect on the first day of the 2nd month beginning after publication.

State of Wisconsin



Date of enactment: **July 1, 1998**

1997 Assembly Bill 505

Date of publication*: **July 15, 1998**

1997 WISCONSIN ACT 326

AN ACT ***to repeal*** 939.626; ***to renumber and amend*** 939.62 (2m) (a) 1., 2., 3. and 4. and 939.62 (2m) (b); ***to amend*** 302.11 (1m), 303.065 (1), 304.02 (5), 304.06 (1) (b), 304.071 (2), 939.62 (2m) (a) (intro.), 939.62 (2m) (d), 939.623 (1) and 973.014 (2); and ***to create*** 939.62 (2m) (a) 1m. and 939.62 (2m) (b) 2. of the statutes; **relating to:** persistent child sex offenders and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 302.11 (1m) of the statutes is amended to read:

302.11 **(1m)** An inmate serving a life term is not entitled to mandatory release. Except as provided in ss. 939.62 (2m) (c) and 973.014, the parole commission may parole the inmate as specified in s. 304.06 (1).

SECTION 2. 303.065 (1) of the statutes is amended to read:

303.065 **(1)** The department may grant work release privileges to any person incarcerated within the state prisons, except that no person serving a life sentence may be considered for work release until he or she has reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever is applicable, and no person serving a life sentence under s. 939.62 (2m) (c) or 973.014 (1) (c) may be considered for work release.

SECTION 3. 304.02 (5) of the statutes is amended to read:

304.02 **(5)** Notwithstanding subs. (1) to (3), a prisoner who is serving a life sentence under s. 939.62 (2m) (c) or 973.014 (1) (c) is not eligible for release to parole supervision under this section.

SECTION 4. 304.06 (1) (b) of the statutes is amended to read:

304.06 **(1)** (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2) or 973.0135, the parole commission may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in a county house of correction or a county reforestation camp organized under s. 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c) or 973.014, the parole commission may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject to extension using the formulas under s. 302.11 (2). The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary may grant special action parole releases under s. 304.02. The department or the parole commission shall not provide any convicted offender or other person sentenced to the department's custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing.

SECTION 5. 304.071 (2) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 1995−96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

304.071 **(2)** If a prisoner is not eligible for parole under s. 939.62 (2m) (c), 961.49 (2), 973.014 (1) (c) or 973.032 (5), he or she is not eligible for parole under this section.

SECTION 6. 939.62 (2m) (a) (intro.) of the statutes is amended to read:

939.62 **(2m)** (a) (intro.) In this subsection, ~~"serious felony":~~

2m. "Serious felony" means any of the following:

SECTION 7. 939.62 (2m) (a) 1., 2., 3. and 4. of the statutes are renumbered 939.62 (2m) (a) 2m. a., b., c. and d., and 939.62 (2m) (a) 2m. d., as renumbered, is amended to read:

939.62 **(2m)** (a) 2m. d. A crime at any time under federal law or the law of any other state or, prior to April 28, 1994, under the law of this state that is comparable to a crime specified in subd. ~~1., 2. or 3~~ 2m. a., b. or c.

SECTION 8. 939.62 (2m) (a) 1m. of the statutes is created to read:

939.62 **(2m)** (a) 1m. "Serious child sex offense" means any of the following:

a. A violation of s. 948.02, 948.025, 948.05, 948.055, 948.06, 948.07, 948.08 or 948.095 or 948.30 or, if the victim was a minor and the convicted person was not the victim's parent, a violation of s. 940.31.

b. A crime at any time under federal law or the law of any other state or, prior to the effective date of this subd. 1m. b. .... [revisor inserts date], under the law of this state that is comparable to a crime specified in subd. 1m. a.

SECTION 9. 939.62 (2m) (b) of the statutes is renumbered 939.62 (2m) (b) (intro.) and amended to read:

939.62 **(2m)** (b) (intro.) The actor is a persistent repeater if ~~he or she~~ one of the following applies:

1. The actor has been convicted of a serious felony on 2 or more separate occasions at any time preceding the serious felony for which he or she presently is being sentenced under ch. 973, which convictions remain of record and unreversed and, ~~that~~ of the 2 or more previous convictions, at least one conviction ~~must have~~ occurred before the date of violation of at least one of the other felonies for which the actor was previously convicted. ~~It~~

(bm) For purposes of counting a conviction under par. (b), it is immaterial that the sentence for ~~a~~ the previous conviction was stayed, withheld or suspended, or that ~~he or she~~ the actor was pardoned, unless the pardon was granted on the ground of innocence. ~~The~~

(c) If the actor is a persistent repeater, the term of imprisonment for the felony for which the persistent repeater presently is being sentenced under ch. 973 is life imprisonment without the possibility of parole.

SECTION 10. 939.62 (2m) (b) 2. of the statutes is created to read:

939.62 **(2m)** (b) 2. The actor has been convicted of a serious child sex offense on at least one occasion at any time preceding the date of violation of the serious child sex offense for which he or she presently is being sentenced under ch. 973, which conviction remains of record and unreversed.

SECTION 11. 939.62 (2m) (d) of the statutes is amended to read:

939.62 **(2m)** (d) If a prior conviction is being considered as being covered under par. (a) ~~4.~~ 1m. b. or 2m. d. as comparable to a felony specified under par. (a) ~~1., 2. or 3.~~ 1m. a. or 2m. a., b. or c., the conviction may be counted as a prior conviction under par. (b) only if the court determines, beyond a reasonable doubt, that the violation relating to that conviction would constitute a felony specified under par. (a) ~~1., 2. or 3.~~ 1m. a. or 2m. a., b. or c. if committed by an adult in this state.

SECTION 12. 939.623 (1) of the statutes is amended to read:

939.623 **(1)** In this section, "serious sex crime" means a violation of s. 940.225 (1) or (2)~~, 948.02 (1) or (2) or 948.025~~.

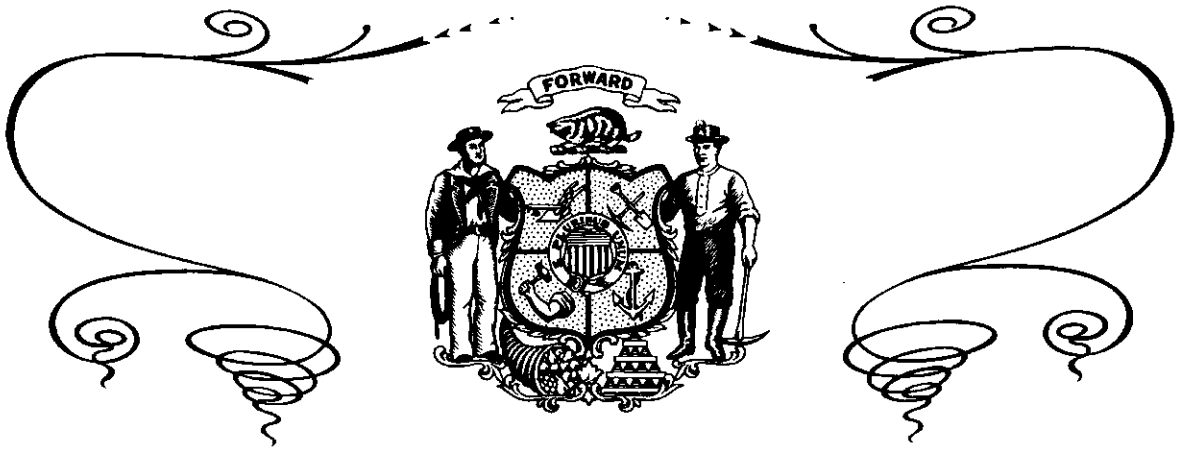
SECTION 13. 939.626 of the statutes is repealed.

SECTION 14. 973.014 (2) of the statutes is amended to read:

973.014 **(2)** When a court sentences a person to life imprisonment under s. 939.62 (2m) (c), the court shall provide that the sentence is without the possibility of parole.

SECTION 15. Initial applicability.

(1) The treatment of section 939.62 (2m) (b) 2. of the statutes first applies to serious child sex offenses committed on the effective date of this subsection, but does not preclude the counting of other serious child sex offenses as prior serious child sex offenses for sentencing a person as a persistent repeater under section 939.62 (2m) (b) 2. of the statutes, as created by this act.



1997 Assembly Joint Resolution 43

ENROLLED JOINT RESOLUTION

To amend section 4 (1) of article VI; and ***to create*** section 4 (7) of article VI of the constitution;
relating to: 4−year terms of office for district attorneys (first consideration).

Resolved by the assembly, the senate concurring, That:

SECTION 1. Section 4 (1) of article VI of the constitution is amended to read:

[Article VI] Section 4 (1) Sheriffs, coroners, registers of deeds, ~~district attorneys,~~ and all other elected county officers except judicial officers, district attorneys and chief executive officers, shall be chosen by the electors of the respective counties once in every 2 years.

SECTION 2. Section 4 (7) of article VI of the constitution is created to read:

[Article VI] Section 4 (7) Beginning with the first general election which occurs following ratification of this subsection, district attorneys shall be chosen by the electors of the respective counties once in every 4 years.

SECTION 3. Reconciliation. If the amendment of section 4 (1) of article VI of the constitution as proposed by 1997 Senate Joint Resolution 43 is ratified by the people prior to the ratification of this amendment, section 4 (1) of article VI of the constitution shall, in lieu of the treatment shown in SECTION 1, be amended as follows:

[Article VI] Section 4 (1) Except as provided in sub. (2), coroners, registers of deeds, ~~district attorneys,~~ and all other elected officers except judicial officers, sheriffs, district attorneys and chief executive officers, shall be chosen by the electors of the respective counties once in every 2 years.

SECTION 4. Numbering of new provision. The new subsection (7) of section 4 of article VI of the constitution created in this joint resolution shall be designated by the next higher open whole subsection number in that section in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a subsection

(7) of section 4 of article VI of the constitution of this state. If one or more joint resolutions create a subsection (7) of section 4 of article VI simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the subsections created shall be numbered and placed in a sequence so that the subsections created by the joint resolution having the lowest enrolled joint resolution number have the numbers designated in that joint resolution and the subsections created by the other joint resolutions have numbers that are in the same ascending order as are the numbers of the enrolled joint resolutions creating the subsections.

Be it further resolved, That this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for 3 months previous to the time of holding such election.

Senator Brian D. Rude
President of the Senate

Representative Scott R. Jensen
Speaker of the Assembly

Date

Charles R. Sanders
Assembly Chief Clerk

1997 Senate Joint Resolution 43

ENROLLED JOINT RESOLUTION

To amend section (4) (1), (3) and (5) of article VI; and ***to create*** section 4 (6) of article VI of the constitution; **relating to:** 4−year terms of office for, appointment of, vacancies in the offices of, and the restriction on holding any other office by, sheriffs (2nd consideration).

Whereas, the 1995 legislature in regular session proposed an amendment to the constitution in 1995 Assembly Joint Resolution 37, which became Enrolled Joint Resolution 23, and agreed to it by a majority of the members elected to each of the 2 houses, which proposed amendment reads as follows:

SECTION 1. Section 4 (1), (3) and (5) of article VI of the constitution are amended to read:

[Article VI] Section 4 (1) ~~Sheriffs~~ Except as provided in sub. (2), coroners, registers of deeds, district attorneys, and all other elected county officers except judicial officers, sheriffs and chief executive officers, shall be chosen by the electors of the respective counties once in every 2 years.

(3) (a) Sheriffs ~~shall~~ may not hold ~~no~~ any other partisan office.

(b) Sheriffs may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant.

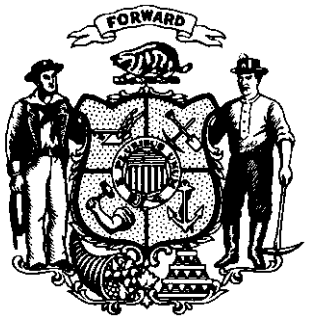
(c) Beginning with the first general election at which the governor is elected which occurs after the ratification of this paragraph, sheriffs shall be chosen by the electors of the respective counties once in every 4 years.

(5) All vacancies in the offices of ~~sheriff,~~ coroner, register of deeds or district attorney shall be filled by appointment. The person appointed to fill a vacancy shall hold office only for the unexpired portion of the term to which appointed and until a successor shall be elected and qualified.

QUESTION 1: ***Terms of office for, appointment of, vacancies in the offices of, and the restriction on holding any other office by, sheriffs.*** Shall section 4 (1), (3) and (5) of article VI of the constitution be amended and section 4 (6) of article VI of the constitution be created to extend the terms of office of sheriffs from 2 years to 4 years, to allow sheriffs to hold nonpartisan offices, and to require that vacancies in the office of sheriffs be filled by appointment of the governor until a successor is elected and qualified?

Representative Scott R. Jensen Speaker of the Assembly	Senator Brian D. Rude President of the Senate
Date	Donald J. Schneider Senate Chief Clerk

State of Wisconsin



2003 Senate Bill 567

Date of enactment: **May 25, 2004**
Date of publication*: **June 1, 2004**

2003 WISCONSIN ACT 318

AN ACT ***to repeal*** 20.435 (4) (hm), 25.77 (5), 46.40 (9) (d), 49.45 (6t) (b), 49.45 (6tt), 49.45 (6tu), 49.45 (52), 49.45 (53) and 59.53 (24); ***to renumber*** 49.45 (6t) (a); ***to amend*** 20.435 (4) (w), 20.435 (4) (w), 20.435 (4) (w), 20.435 (7) (b), 20.435 (7) (b), 46.275 (5) (a), 46.275 (5) (c), 46.495 (1) (d) and 46.495 (1) (d); ***to create*** 46.40 (9) (d), 49.45 (6tu), 49.45 (52) and 49.45 (53) of the statutes; and ***to affect*** 2003 Wisconsin Act 33, section 9124 (8); **relating to:** Medical Assistance Program and Community Aids Program funding and programs and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.435 (4) (hm) of the statutes, as created by 2003 Wisconsin Act 33, is repealed.

SECTION 2. 20.435 (4) (w) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

20.435 **(4)** (w) *Medical Assistance trust fund.* From the Medical Assistance trust fund, biennially, the amounts in the schedule for meeting costs of medical assistance administered under ss. 46.27, 46.275 (5), 46.278 (6), 46.283 (5), 46.284 (5), 49.45, and 49.472 (6)~~, for providing distributions under s. 49.45 (6tt),~~ and for administrative costs associated with augmenting the amount of federal moneys received under 42 CFR 433.51.

SECTION 3. 20.435 (4) (w) of the statutes, as affected by 2003 Wisconsin Act .... (this act), section 2, is amended to read:

20.435 **(4)** (w) *Medical Assistance trust fund.* From the Medical Assistance trust fund, biennially, the amounts in the schedule for meeting costs of medical assistance administered under ss. 46.27, 46.275 (5), 46.278 (6), 46.283 (5), 46.284 (5), 49.45, and 49.472 (6), for providing distributions under s. 49.45 (6tu), and for administrative costs associated with augmenting the amount of federal moneys received under 42 CFR 433.51.

SECTION 4. 20.435 (4) (w) of the statutes, as affected by 2003 Wisconsin Act ... (this act), section 3, is amended to read:

20.435 **(4)** (w) *Medical Assistance trust fund.* From the Medical Assistance trust fund, biennially, the amounts in the schedule for meeting costs of medical assistance administered under ss. 46.27, 46.275 (5), 46.278 (6), 46.283 (5), 46.284 (5), 49.45, and 49.472 (6)~~, for providing distributions under s. 49.45 (6tu),~~ and for administrative costs associated with augmenting the amount of federal moneys received under 42 CFR 433.51.

SECTION 5. 20.435 (7) (b) of the statutes is amended to read:

20.435 **(7)** (b) *Community aids and Medical Assistance payments.* The amounts in the schedule for human services under s. 46.40, to fund services provided by resource centers under s. 46.283 (5), for services under the family care benefit under s. 46.284 (5), for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22 ~~and~~,

* Section 991.11, WISCONSIN STATUTES 2001−02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

for foster care and treatment foster care under s. 49.19 (10), for Medical Assistance payment adjustments under s. 49.45 (52), for Medical Assistance payments under s. 49.45 (53), and for payments under SECTION 25 (3). Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and family services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15) from prior year audit adjustments including those resulting from audits of services under s. 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s. 46.40 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

SECTION 6. 20.435 (7) (b) of the statutes, as affected by 2003 Wisconsin Act .... (this act), is amended to read:

20.435 **(7)** (b) *Community aids ~~and Medical Assistance payments~~.* The amounts in the schedule for human services under s. 46.40, to fund services provided by resource centers under s. 46.283 (5), for services under the family care benefit under s. 46.284 (5), for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster care and treatment foster care under s. 49.19 (10)~~, for Medical Assistance payment adjustments under s. 49.45 (52), for Medical Assistance payments under s. 49.45 (53), and for payments under Section 25 (3)~~. Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and family services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15) from prior year audit adjustments including those resulting from audits of services under s. 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s. 46.40 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

SECTION 7. 25.77 (5) of the statutes, as created by 2003 Wisconsin Act 33, is repealed.

SECTION 8. 46.275 (5) (a) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

46.275 **(5)** (a) Medical Assistance reimbursement for services a county, or the department under sub. (3r), provides under this program is available from the appropriation accounts under s. 20.435 (4) (b), (gp), ~~(hm),~~ (o), and (w). If 2 or more counties jointly contract to provide services under this program and the department approves the contract, Medical Assistance reimbursement is also available for services provided jointly by these counties.

SECTION 9. 46.275 (5) (c) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

46.275 **(5)** (c) The total allocation under s. 20.435 (4) (b), (gp), ~~(hm),~~ (o), and (w) to counties and to the department under sub. (3r) for services provided under this section may not exceed the amount approved by the federal department of health and human services. A county may use funds received under this section only to provide services to persons who meet the requirements under sub. (4) and may not use unexpended funds received under this section to serve other developmentally disabled persons residing in the county.

SECTION 10. 46.40 (9) (d) of the statutes is created to read:

46.40 **(9)** (d) *Payment adjustments for certain Medical Assistance services.* The department may decrease a county's allocation under sub. (2) by the amount of any payment adjustments under s. 49.45 (52) made for that county from the appropriation account under s. 20.435 (7) (b). The total amount of the decrease for a county under this paragraph during any fiscal year may not exceed that part of the county's allocation under sub. (2) that derives from the appropriation account under s. 20.435 (7) (b) for that fiscal year.

SECTION 11. 46.40 (9) (d) of the statutes, as created by 2003 Wisconsin Act .... (this act), is repealed.

SECTION 12. 46.495 (1) (d) of the statutes is amended to read:

46.495 **(1)** (d) From the appropriations under s. 20.435 (3) (o) and (7) (b) and (o), the department shall distribute the funding for social services, including funding for foster care or treatment foster care of a child on whose behalf aid is received under s. 46.261, to county departments under ss. 46.215, 46.22, and 46.23 as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for the ~~distributions~~ distribution under s. 46.40 (2) ~~and~~ shall be specified in a schedule established annually by the department of health and family services. Each county's required match for the distribution under s. 46.40 (8) for a year equals 9.89% of the total of the county's distributions under s. 46.40 ~~(2) and~~ (8) for that year for which matching funds are required plus the amount the county was

required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency−related services from its distribution for 1987. Each county's required match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching funds may be from county tax levies, federal and state revenue sharing funds, or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

Section 13. 46.495 (1) (d) of the statutes, as affected by 2003 Wisconsin Act .... (this act), is amended to read:

46.495 **(1)** (d) From the appropriations under s. 20.435 (3) (o) and (7) (b) and (o), the department shall distribute the funding for social services, including funding for foster care or treatment foster care of a child on whose behalf aid is received under s. 46.261, to county departments under ss. 46.215, 46.22, and 46.23 as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for the ~~distribution~~ distributions under s. 46.40 (2) ~~shall be specified in a schedule established annually by the department of health and family services. Each county's required match for the distribution under s. 46.40~~ and (8) for a year equals 9.89% of the total of the county's distributions under s. 46.40 (2) and (8) for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency−related services from its distribution for 1987. Each county's required match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching funds may be from county tax levies, federal and state revenue sharing funds, or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

Section 14. 49.45 (6t) (a) of the statutes, as affected by 2001 Wisconsin Act 16 and 2003 Wisconsin Act 33, is renumbered 49.45 (6t).

Section 15. 49.45 (6t) (b) of the statutes, as created by 2003 Wisconsin Act 33, is repealed.

Section 16. 49.45 (6tt) of the statutes, as created by 2003 Wisconsin Act 33, is repealed.

Section 17. 49.45 (6tu) of the statutes is created to read:

49.45 **(6tu)** Distributions to county departments and local health departments. From the appropriation under s. 20.435 (4) (w), the department may in each fiscal year distribute moneys to county departments under s. 46.215, 46.22, 46.23, or 51.42 or to local health departments, as defined in s. 250.01 (4), under a plan developed by the department.

Section 18. 49.45 (6tu) of the statutes, as created by 2003 Wisconsin Act .... (this act), is repealed.

Section 19. 49.45 (52) of the statutes is created to read:

49.45 **(52)** Payment adjustments. Beginning on January 1, 2003, the department may, from the appropriation account under s. 20.435 (7) (b), make Medical Assistance payment adjustments to county departments under s. 46.215, 46.22, 46.23, or 51.42, or 51.437 or to local health departments, as defined in s. 250.01 (4), as appropriate, for covered services under s. 49.46 (2) (a) 2. and 4. d. and f. and (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13., 15., and 16. Payment adjustments under this subsection shall include the state share of the payments. The total of any payment adjustments under this subsection and Medical Assistance payments made from appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (w) may not exceed applicable limitations on payments under 42 USC 1396a (a) (30) (A).

Section 20. 49.45 (52) of the statutes, as created by 2003 Wisconsin Act .... (this act), is repealed.

Section 21. 49.45 (53) of the statutes is created to read:

49.45 **(53)** Payments for certain services. Beginning on January 1, 2003, the department may, from the appropriation account under s. 20.435 (7) (b), make Medical Assistance payments to providers for covered services under s. 49.46 (2) (a) 4. d. and (b) 6. j. and m.

Section 22. 49.45 (53) of the statutes, as created by 2003 Wisconsin Act .... (this act), is repealed.

Section 23. 59.53 (24) of the statutes, as created by 2003 Wisconsin Act 33, is repealed.

Section 24. 2003 Wisconsin Act 33, section 9124 (8) is repealed.

Section 25. Nonstatutory provisions.

(1) Community Aids funding decrease. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 2005−07 biennial budget bill, the department of health and family services shall submit information concerning the appropriation under section 20.435 (7) (b) of the statutes as though the decrease in the dollar amount of that appropriation by Section 26 (1) of this act had not been made.

(2) Medical Assistance funding increase. Notwithstanding section 16.42 (1) (e) of the statutes, in sub-

mitting information under section 16.42 of the statutes for purposes of the 2005−07 biennial budget bill, the department of health and family services shall submit information concerning the appropriation under section 20.435 (4) (b) of the statutes as though the increase in the dollar amount of that appropriation by SECTION 26 (2) of this act had not been made.

(3) PAYMENTS TO CITY HEALTH DEPARTMENTS. From the appropriation account under section 20.435 (7) (b) of the statutes, as affected by this act, in state fiscal year 2004−05 the department of health and family services may make payments to local health departments, as defined under s. 250.01 (4) (a) 3. of the statutes. Payment under this subsection to such a local health department may not exceed on an annualized basis payment made by the department of health and family services to the local health department under section 49.45 (6t) of the statutes for services provided by the local health department in 2002.

(4) If an amendment to the state medical assistance plan that provides for a revised payment methodology for Medical Assistance services that are provided by a county department or local health department under section 49.45 (52) of the statutes, as created by this act, is not approved in writing by the federal centers for medicare and medicaid services by July 1, 2005, or if on any date the amendment is disapproved, whichever is earlier, all of the following apply:

(a) This act, except for this subsection, is void.

(b) The secretary of administration shall notify the revisor of statutes concerning the lack of approval or disapproval.

SECTION 26. Appropriation changes.

(1) COMMUNITY AIDS PROGRAM DECREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (7) (b) of the statutes, as affected by the acts of 2003, the dollar amount is decreased by $53,204,600 for fiscal year 2004−05 for the purposes for which the appropriation is made.

(2) MEDICAL ASSISTANCE PROGRAM INCREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2003, the dollar amount is increased by $53,204,600 for fiscal year 2004−05 for the purposes for which the appropriation is made.

(3) MEDICAL ASSISTANCE TRUST FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (w) of the statutes, as affected by the acts of 2003, the dollar amount is decreased by $17,000,000 for fiscal year 2004−05 to for the purposes for which the appropriation is made.

SECTION 27. Effective dates. This act takes effect on the day after publication, except as follows:

(1) MEDICAL ASSISTANCE PAYMENT ADJUSTMENTS. The treatment of section 49.45 (6t) (a) and (b) of the statutes, the repeal of sections 46.40 (9) (d) and 49.45 (52) and (53) of the statutes and section 9124 (8) of 2003 Wisconsin Act 33, the amendment of sections 20.435 (4) (w) (by SECTION 3) and (7) (b) (by SECTION 6) and 46.495 (1) (d) (by SECTION 13) of the statutes, and the creation of section 49.45 (6tu) of the statutes take effect on January 1, 2006.

(2) COMMUNITY SERVICES DEFICIT REDUCTION BENEFIT. The amendment of section 20.435 (4) (w) (by SECTION 4) of the statutes and the repeal of section 49.45 (6tu) of the statutes take effect on January 1, 2007.

State of Wisconsin

2009 Senate Bill 66

Date of enactment: **December 22, 2009**
Date of publication*: **December 23, 2009**

2009 WISCONSIN ACT 100

AN ACT ***to repeal*** 342.12 (4) (c) 1. b., 343.301 (1) (title) and (a), 343.301 (2), 346.65 (6), 346.65 (8), 973.09 (1) (d) 1., 973.09 (1) (d) 2. and 973.09 (1) (d) 3.; ***to renumber and amend*** 343.301 (1) (c), 343.301 (1) (d), 346.65 (2) (f) and 973.09 (1) (d) (intro.); ***to consolidate, renumber and amend*** 343.301 (1) (b) 1. and 2.; ***to amend*** 165.755 (1) (b), 302.46 (1) (a), 340.01 (46m) (c), 342.12 (4) (c) 1. c., 342.13 (1), 343.10 (2) (a) (intro.), 343.10 (5) (a) 3., 343.23 (2) (b), 343.30 (1q) (b) 2., 343.30 (1q) (b) 3., 343.30 (1q) (b) 4., 343.30 (1q) (c) 1. (intro.), 343.301 (title), 343.305 (8) (b) 5. (intro.), 343.305 (8) (c) 5., 343.38 (2), 343.39 (1) (a), 345.47 (1) (c), 346.65 (2) (am) 3., 346.65 (2) (am) 4., 346.65 (2) (am) 6., 346.65 (2) (am) 7., 346.65 (2) (bm), 346.65 (2) (cm), 346.65 (2c), 346.65 (2g) (a), 346.65 (2g) (ag), 346.65 (2j) (am) 3., 346.65 (2j) (bm), 346.65 (2j) (cm), 346.65 (2q), 346.65 (3m), 346.65 (3r), 346.65 (7), 346.655 (1), 347.413 (title) and (1), 347.417 (1), 347.417 (2), 347.50 (1s), 757.05 (1) (a), 814.60 (1), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85 (1) (a), 814.86 (1), 969.01 (2) (a) and 973.15 (8) (a) 3.; ***to repeal and recreate*** 343.10 (2) (a) (intro.), 343.23 (2) (b), 343.305 (10m), 814.65 (1), 814.85 (1) (a), 814.86 (1), 940.09 (1d) and 940.25 (1d); ***to create*** 20.410 (1) (bd), 25.40 (1) (a) 3m., 110.10 (4m), 301.03 (20r), 303.08 (10r), 343.10 (2) (f), 343.21 (1) (jr), 343.30 (1r), 343.301 (1g), 343.301 (1m), 343.301 (3) (b), 343.301 (5), 343.305 (10g), 343.31 (4), 346.65 (2) (am) 4m., 346.65 (2) (dm), 346.65 (2) (f) 1., 346.65 (2j) (cr), 346.65 (3p), 347.50 (1t), 814.75 (9m), 814.76 (7m), 814.78 (7m), 814.79 (4r), 973.05 (2m) (rm) and 973.09 (2) (am) of the statutes; and ***to affect*** 2007 Wisconsin Act 20, section 9201 (1c) (a) and 2009 Wisconsin Act 2, section 9201 (1) (b); **relating to:** operating a vehicle while intoxicated, granting rule−making authority, making an appropriation, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1g. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

20.410	**Corrections, department of**				
(1)	ADULT CORRECTIONAL SERVICES				
(bd)	Services for drunken driving offenders	GPR	A	−0−	6,600,000

SECTION 1m. 20.410 (1) (bd) of the statutes is created to read:

20.410 **(1)** (bd) *Services for drunken driving offenders.* The amounts in the schedule to provide community probation supervision, to fund a monitoring center, and to fund enhanced community treatment for persons convicted of a 2nd or 3rd offense related to driving while intoxicated.

* Section 991.11, WISCONSIN STATUTES 2007−08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 1r. 25.40 (1) (a) 3m. of the statutes is created to read:

25.40 **(1)** (a) 3m. Revenues collected under s. 343.21 (1) (jr) which shall be paid into the general fund.

SECTION 2. 110.10 (4m) of the statutes is created to read:

110.10 **(4m)** Requiring ignition interlock device providers operating in this state to accept, as payment in full for equipping a motor vehicle with an ignition interlock device and for maintaining the ignition interlock device, the amount ordered by the court under s. 343.301 (3) (b), if applicable.

SECTION 3. 165.755 (1) (b) of the statutes is amended to read:

165.755 **(1)** (b) A court may not impose the crime laboratories and drug law enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5) (b)~~, for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,~~ or for a violation of a state law or municipal or county ordinance involving a nonmoving traffic violation, a violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

SECTION 3m. 301.03 (20r) of the statutes is created to read:

301.03 **(20r)** Provide probation, assessment, treatment, and other community treatment options for persons convicted of a 2nd or 3rd offense counted under s. 343.307 (1) with no waiting list for services. If the moneys appropriated under s. 20.410 (1) (bd) are not sufficient to fully fund the services with no waiting list, the department shall notify the joint committee on finance.

SECTION 4. 302.46 (1) (a) of the statutes is amended to read:

302.46 **(1)** (a) If a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5)~~, or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,~~ or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an amount of 1 percent of the fine or forfeiture imposed or $10, whichever is greater. If multiple offenses are involved, the court shall determine the jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail surcharge in proportion to the suspension.

SECTION 5. 303.08 (10r) of the statutes is created to read:

303.08 **(10r)** The sheriff may not permit a prisoner who is subject to an order under s. 343.301 (1g) to leave the jail under sub. (1) unless, within 2 weeks after the court issues the order, the person submits proof to the sheriff that an ignition interlock device has been installed in each motor vehicle to which the order applies.

SECTION 6. 340.01 (46m) (c) of the statutes is amended to read:

340.01 **(46m)** (c) If the person is subject to an order under s. 343.301 or if the person has 3 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1), an alcohol concentration of more than 0.02.

SECTION 7. 342.12 (4) (c) 1. b. of the statutes is repealed.

SECTION 8. 342.12 (4) (c) 1. c. of the statutes is amended to read:

342.12 **(4)** (c) 1. c. The person requesting the issuance of the certificate of title files an affidavit with the department attesting that the ~~conditions~~ condition under subd. 1. a. ~~and b. are~~ is met.

SECTION 9. 342.13 (1) of the statutes is amended to read:

342.13 **(1)** If a certificate of title is lost, stolen, mutilated, or destroyed, or becomes illegible, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the department. The replacement certificate of title shall contain a notation, in a form determined by the department, identifying the certificate as a replacement certificate that may be subject to the rights of a person under the original certificate. ~~If applicable under s. 346.65 (6), the replacement certificate of title shall include the notation "Per section 346.65 (6) of the Wisconsin statutes, ownership of this motor vehicle may not be transferred without prior court approval".~~

SECTION 10. 343.10 (2) (a) (intro.) of the statutes is amended to read:

343.10 **(2)** (a) (intro.) Except as provided in pars. (b) to ~~(e)~~ (f), a person is eligible for an occupational license if the following conditions are satisfied:

SECTION 11. 343.10 (2) (a) (intro.) of the statutes, as affected by 2007 Wisconsin Act 20 and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

343.10 **(2)** (a) (intro.) Except as provided in pars. (b) to (f), and subject to s. 343.165 (5), a person is eligible for an occupational license if the following conditions are satisfied:

SECTION 12. 343.10 (2) (f) of the statutes is created to read:

343.10 **(2)** (f) If the court orders under s. 343.301 (1g) that the person's operating privilege for the operation of

"Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device, no occupational license may be granted until the person pays the surcharge under s. 343.301 (5) and submits proof that an ignition interlock device has been installed in each motor vehicle to which the order under s. 343.301 applies.

SECTION 13. 343.10 (5) (a) 3. of the statutes is amended to read:

343.10 **(5)** (a) 3. ~~If the applicant has 2 or more prior convictions, suspensions, or revocations, as counted under s. 343.307 (1), the~~ The occupational license of the applicant shall restrict the applicant's operation under the occupational license to vehicles that are equipped with a functioning ignition interlock device if the court has ordered under s. 343.301 ~~(1) (a) 1. or 2.~~ (1g) that the person's operating privilege for Class D vehicles be restricted to operating vehicles that are equipped with an ignition interlock device or has ordered under s. 346.65 (6) (a) 1., 1999 stats., that the motor vehicle owned by the person and used in the violation or improper refusal be equipped with an ignition interlock device. A person to whom a restriction under this subdivision applies violates that restriction if he or she removes or disconnects an ignition interlock device, requests or permits another to blow into an ignition interlock device or to start a motor vehicle equipped with an ignition interlock device for the purpose of providing the person an operable motor vehicle without the necessity of first submitting a sample of his or her breath to analysis by the ignition interlock device~~. If~~, or otherwise tampers with or circumvents the operation of the ignition interlock device. Except as provided in s. 343.301 (3) (b), if the occupational license restricts the applicant's operation to a vehicle that is equipped with an ignition interlock device, the applicant shall be liable for the reasonable costs of equipping the vehicle with the ignition interlock device.

SECTION 14. 343.21 (1) (jr) of the statutes is created to read:

343.21 **(1)** (jr) In addition to any other fee under this subsection, for reinstatement of an operating privilege previously revoked or suspended under s. 343.305 (7) or resulting from the commission of an offense listed in s. 343.307, $140.

SECTION 15. 343.23 (2) (b) of the statutes, as affected by 2009 Wisconsin Act 28, section 2923, is amended to read:

343.23 **(2)** (b) The information specified in pars. (a) and (am) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled, or withheld, or the person disqualified, in the interest of public safety. The record of suspensions, revocations, and convictions that would be counted under s. 343.307 (2) shall be maintained permanently~~, except that the department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, if the person does not have a commercial driver license, if the violation was not committed by a person operating a commercial motor vehicle, and if the person has no other suspension, revocation, or conviction that would be counted under s. 343.307 during that 10−year period~~. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f), (j), and (L) and all records specified in par. (am), shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records entered during the 4−year period immediately preceding the exercise of such power of suspension.

SECTION 16. 343.23 (2) (b) of the statutes, as affected by 2009 Wisconsin Acts 28, section 2924, and .... (this act), is repealed and recreated to read:

343.23 **(2)** (b) The information specified in pars. (a) and (am) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled, or withheld, or the person disqualified, in the interest of public safety. The record of suspensions, revocations, and convictions that would be counted under s. 343.307 (2) shall be maintained permanently. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f), (j), and (L), and all records specified in par. (am), shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records entered during the 4−year period immediately preceding the exercise of

such power of suspension. The department shall maintain the digital images of documents specified in s. 343.165 (2) (a) for at least 10 years.

SECTION 17. 343.30 (1q) (b) 2. of the statutes is amended to read:

343.30 **(1q)** (b) 2. Except as provided in sub. (1r) or subd. 3., 4. or 4m., for the first conviction, the court shall revoke the person's operating privilege for not less than 6 months nor more than 9 months. The person is eligible for an occupational license under s. 343.10 at any time.

SECTION 18. 343.30 (1q) (b) 3. of the statutes is amended to read:

343.30 **(1q)** (b) 3. Except as provided in sub. (1r) or subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (1) within a 10−year period, equals 2, the court shall revoke the person's operating privilege for not less than one year nor more than 18 months. After the first ~~60~~ 45 days of the revocation period ~~or, if the total number of convictions, suspensions, and revocations counted under this subdivision within any 5−year period equals 2 or more, after one year of the revocation period~~ has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

SECTION 19. 343.30 (1q) (b) 4. of the statutes is amended to read:

343.30 **(1q)** (b) 4. Except as provided in sub. (1r) or subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (1), equals 3 or more, the court shall revoke the person's operating privilege for not less than 2 years nor more than 3 years. After the first ~~90~~ 45 days of the revocation period ~~or, if the total number of convictions, suspensions, and revocations counted under this subdivision within any 5−year period equals 2 or more, after one year of the revocation period~~ has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

SECTION 20. 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

343.30 **(1q)** (c) 1. (intro.) Except as provided in subd. 1. a. or b., ~~and except for a first violation of s. 346.63 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,~~ the court shall order the person to submit to and comply with an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol, controlled substances or controlled substance analogs and development of a driver safety plan for the person. The court shall notify the department of transportation of the assessment order. The court shall notify the person that noncompliance with assessment or the driver safety plan will result in revocation of the person's operating privilege until the person is in compliance. The assessment order shall:

SECTION 21. 343.30 (1r) of the statutes is created to read:

343.30 **(1r)** For any revocation the court orders under sub. (1q), the court shall extend the revocation period by the number of days to which the court sentences the person to imprisonment in a jail or prison for an offense related to the refusal.

SECTION 22. 343.301 (title) of the statutes is amended to read:

343.301 (title) **Installation of ignition interlock device ~~or immobilization of a motor vehicle~~.**

SECTION 23. 343.301 (1) (title) and (a) of the statutes are repealed.

SECTION 24. 343.301 (1) (b) 1. and 2. of the statutes are consolidated, renumbered 343.301 (2m) and amended to read:

343.301 **(2m)** The court ~~may~~ shall restrict the operating privilege ~~restriction~~ under ~~par. (a) 1.~~ sub. (1g) for a period of not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation. ~~2. The court shall order the operating privilege restriction and the installation of an ignition interlock device under par. (a) 2. for a period of not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation~~, beginning ~~one year after the operating privilege revocation period begins~~ on the date the department issues any license granted under this chapter, except that if the maximum operating privilege revocation period is less than one year, the court shall restrict the operating privilege under sub. (1g) for one year. The court may order the installation of an ignition interlock device under sub. (1g) immediately upon issuing an order under sub. (1g).

SECTION 25. 343.301 (1) (c) of the statutes is renumbered 343.301 (3) (a) and amended to read:

343.301 **(3)** (a) ~~If~~ Except as provided in par. (b), if the court enters an order under ~~par. (a)~~ sub. (1g), the person shall be liable for the reasonable cost of equipping and maintaining any ignition interlock device installed on his or her motor vehicle.

SECTION 26. 343.301 (1) (d) of the statutes is renumbered 343.301 (4) and amended to read:

343.301 **(4)** A person to whom an order under ~~par. (a)~~ sub. (1g) applies violates that order if he or she fails to have an ignition interlock device installed as ordered, removes or disconnects an ignition interlock device, requests or permits another to blow into an ignition interlock device or to start a motor vehicle equipped with an ignition interlock device for the purpose of providing the

person an operable motor vehicle without the necessity of first submitting a sample of his or her breath to analysis by the ignition interlock device, or otherwise tampers with or circumvents the operation of the ignition interlock device.

SECTION 27. 343.301 (1g) of the statutes is created to read:

343.301 **(1g)** A court shall order a person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device if either of the following applies:

(a) The person improperly refused to take a test under s. 343.305.

(b) The person violated s. 346.63 (1) or (2), 940.09 (1), or 940.25 and either of the following applies:

1. The person had an alcohol concentration of 0.15 or more at the time of the offense.

2. The person has a total of one or more prior convictions, suspensions, or revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person's lifetime and other convictions, suspensions, and revocations counted under s. 343.307 (1).

SECTION 28. 343.301 (1m) of the statutes is created to read:

343.301 **(1m)** If equipping each motor vehicle with an ignition interlock device under sub. (1g) would cause an undue financial hardship, the court may order that one or more vehicles described sub. (1g) not be equipped with an ignition interlock device.

SECTION 29. 343.301 (2) of the statutes is repealed.

SECTION 30. 343.301 (3) (b) of the statutes is created to read:

343.301 **(3)** (b) If the court finds that the person who is subject to an order under sub. (1g) has a household income that is at or below 150 percent of the nonfarm federal poverty line for the continental United States, as defined by the federal department of labor under 42 USC 9902 (2), the court shall limit the person's liability under par. (a) to one−half of the cost of equipping each motor vehicle with an ignition interlock device and one−half of the cost per day per vehicle of maintaining the ignition interlock device.

SECTION 31. 343.301 (5) of the statutes is created to read:

343.301 **(5)** If the court enters an order under sub. (1g), the court shall impose and the person shall pay to the clerk of court an ignition interlock surcharge of $50. The clerk of court shall transmit the amount to the county treasurer.

SECTION 32. 343.305 (8) (b) 5. (intro.) of the statutes is amended to read:

343.305 **(8)** (b) 5. (intro.) If the hearing examiner finds that any of the following applies, the examiner shall order that the administrative suspension of the person's operating privilege be rescinded without payment of any fee under s. 343.21 (1) (j), (jr), or (n):

SECTION 33. 343.305 (8) (c) 5. of the statutes is amended to read:

343.305 **(8)** (c) 5. If any court orders under this subsection that the administrative suspension of the person's operating privilege be rescinded, the person need not pay any fee under s. 343.21 (1) (j), (jr), or (n).

SECTION 34. 343.305 (10g) of the statutes is created to read:

343.305 **(10g)** SUSPENSIONS AND REVOCATIONS; EXTENSIONS. For any suspension or revocation the court orders under sub. (10), the court shall extend the suspension or revocation period by the number of days to which the court sentences the person to imprisonment in a jail or prison.

SECTION 35. 343.305 (10m) of the statutes is repealed and recreated to read:

343.305 **(10m)** REFUSALS; IGNITION INTERLOCK OF A MOTOR VEHICLE. The requirements and procedures for installation of an ignition interlock device under s. 343.301 apply when an operating privilege is revoked under sub (10).

SECTION 36. 343.31 (4) of the statutes is created to read:

343.31 **(4)** For any revocation the department orders under sub. (1) (a), if the offense is criminal under 940.09 and involved the use of a motor vehicle, or if the offense is criminal under s. 940.25, (am), (ar), or (b) or under sub. (3) the department shall extend the revocation period by the number of days to which a court sentences the person to imprisonment in a jail or prison.

SECTION 37. 343.38 (2) of the statutes is amended to read:

343.38 **(2)** REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked under the laws of this state is reinstated as a matter of law when the period of revocation has expired and such nonresident obtains a valid operator's license issued by the jurisdiction of the nonresident's residence and pays the fees specified in s. 343.21 (1) (j), (jr), if applicable, and (n).

SECTION 38. 343.39 (1) (a) of the statutes is amended to read:

343.39 **(1)** (a) When, in the case of a suspended operating privilege, the period of suspension has terminated, the fees specified in s. 343.21 (1) (j), (jr), if applicable, and (n) have been paid to the department and, for reinstatement of an operating privilege suspended under ch. 344, the person files with the department proof of financial responsibility, if required, in the amount, form and manner specified under ch. 344.

SECTION 39. 345.47 (1) (c) of the statutes, as affected by 2009 Wisconsin Act 17, is amended to read:

345.47 **(1)** (c) If a court or judge suspends an operating privilege under this section, the court or judge shall immediately take possession of the suspended license and shall forward it to the department together with the notice of suspension, which shall clearly state that the suspension was for failure to pay a forfeiture, plus costs, fees, and surcharges imposed under ch. 814 or for failure to comply with an installment payment plan ordered by the court. The notice of suspension and the suspended license, if it is available, shall be forwarded to the department within 48 hours after the order of suspension. If the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, are paid during a period of suspension, or if the court orders an installment payment plan under sub. (4), the court or judge shall immediately notify the department. Upon receipt of the notice and payment of the fees under s. 343.21 (1) (j), (jr), if applicable, and (n), the department shall return the surrendered license.

SECTION 40. 346.65 (2) (am) 3. of the statutes is amended to read:

346.65 **(2)** (am) 3. Except as provided in pars. (cm), (f), and (g), shall be fined not less than $600 nor more than $2,000 and imprisoned for not less than ~~30~~ 45 days nor more than one year in the county jail if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 3, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 41. 346.65 (2) (am) 4. of the statutes is amended to read:

346.65 **(2)** (am) 4. Except as provided in subd. 4m. and pars. (dm), (f), and (g), shall be fined not less than $600 nor more than $2,000 and imprisoned for not less than 60 days nor more than one year in the county jail if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 4, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 42. 346.65 (2) (am) 4m. of the statutes is created to read:

346.65 **(2)** (am) 4m. Except as provided in pars. (f) and (g), is guilty of a Class H felony and shall be fined not less than $600 and imprisoned for not less than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 4 and the person committed an offense that resulted in a suspension, revocation, or other conviction counted under s. 343.307 (1) within 5 years prior to the day of current offense, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 43. 346.65 (2) (am) 6. of the statutes is amended to read:

346.65 **(2)** (am) 6. Except as provided in par. (f), is guilty of a Class G felony if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 7, 8, or 9, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one. The confinement portion of a bifurcated sentence imposed on the person under s. 973.01 shall be not less than 3 years.

SECTION 44. 346.65 (2) (am) 7. of the statutes is amended to read:

346.65 **(2)** (am) 7. Except as provided in par. (f), is guilty of a Class F felony if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 10 or more except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one. The confinement portion of a bifurcated sentence imposed on the person under s. 973.01 shall be not less than 4 years.

SECTION 45. 346.65 (2) (bm) of the statutes is amended to read:

346.65 **(2)** (bm) In ~~Winnebago County,~~ any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) within a 10−year period, equals 2, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 2., but the period of imprisonment shall be not less than 5 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 5 nor more than 7 days. A person may be sentenced under this paragraph or under par. (cm) or (dm) or sub. (2j) (bm) ~~or,~~ (cm), or (cr) or (3r) once in his or her lifetime.

SECTION 46. 346.65 (2) (cm) of the statutes is amended to read:

346.65 **(2)** (cm) In ~~Winnebago County~~ any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) ~~within a 10−year period,~~ equals 3, except

that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 3., but the period of imprisonment shall be not less than ~~30~~ 45 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than ~~10~~ 14 days. A person may be sentenced under this paragraph or under par. (bm) or (dm) or sub. (2j) (bm) ~~or~~, (cm), or (cr) or (3r) once in his or her lifetime.

SECTION 47. 346.65 (2) (dm) of the statutes is created to read:

346.65 **(2)** (dm) In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) equals 4, and par. (am) 4m. does not apply, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 4., but the period of imprisonment shall be not less than 60 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 29 days. A person may be sentenced under this paragraph or under par. (bm) or (cm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

SECTION 48. 346.65 (2) (f) of the statutes is renumbered 346.65 (2) (f) 2. and amended to read:

346.65 **(2)** (f) 2. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1), the applicable minimum and maximum ~~forfeitures,~~ fines~~, or~~ and imprisonment under par. (am) 2. to 7. for the conviction are doubled. An offense under s. 346.63 (1) that subjects a person to a penalty under par. (am) 3., 4., 4m., 5., 6., or 7. when there is a minor passenger under 16 years of age in the motor vehicle is a felony and the place of imprisonment shall be determined under s. 973.02.

SECTION 49. 346.65 (2) (f) 1. of the statutes is created to read:

346.65 **(2)** (f) 1. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1), the person shall be fined not less than $350 nor more than $1,100 and imprisoned for not less than 5 days nor more than 6 months, except as provided in subd. 2.

SECTION 50. 346.65 (2c) of the statutes is amended to read:

346.65 **(2c)** In sub. (2) (am) 2., 3., 4., 4m., 5., 6., and 7., the time period shall be measured from the dates of the refusals or violations that resulted in the revocation or convictions. If a person has a suspension, revocation, or conviction for any offense under a local ordinance or a state statute of another state that would be counted under s. 343.307 (1), that suspension, revocation, or conviction shall count as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., 4., 4m., 5., 6., and 7.

SECTION 51. 346.65 (2g) (a) of the statutes is amended to read:

346.65 **(2g)** (a) In addition to the authority of the court under s. 973.05 (3) (a) to provide that a defendant perform community service work for a public agency or a nonprofit charitable organization in lieu of part or all of a fine imposed under sub. (2) (am) 2., 3., 4., 4m., and 5., (f), and (g) and except as provided in par. (ag), the court may provide that a defendant perform community service work for a public agency or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub. (2) (am) 1. or may require a person who is subject to sub. (2) to perform community service work for a public agency or a nonprofit charitable organization in addition to the penalties specified under sub. (2).

SECTION 52. 346.65 (2g) (ag) of the statutes is amended to read:

346.65 **(2g)** (ag) If the court determines that a person does not have the ability to pay a fine imposed under sub. (2) (am) 2., 3., 4., 4m., or 5., (f), or (g), the court shall require the defendant to perform community service work for a public agency or a nonprofit charitable organization in lieu of paying the fine imposed or, if the amount of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the fine. Each hour of community service performed in compliance with an order under this paragraph shall reduce the amount of the fine owed by an amount determined by the court.

SECTION 53. 346.65 (2j) (am) 3. of the statutes is amended to read:

346.65 **(2j)** (am) 3. Except as provided in pars. (cm), (cr), and (d), shall be fined not less than $600 nor more than $2,000 and imprisoned for not less than ~~30~~ 45 days nor more than one year in the county jail if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations~~,~~ counted under s. 343.307 (2), equals 3 or more.

SECTION 54. 346.65 (2j) (bm) of the statutes is amended to read:

346.65 **(2j)** (bm) In ~~Winnebago County~~ any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) within a 10−year period, equals 2, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 2., but

the period of imprisonment shall be not less than 5 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 5 nor more than 7 days. A person may be sentenced under this paragraph or under par. (cm) or (cr) or sub. (2) (bm) ~~or,~~ (cm), or (dm) or (3r) once in his or her lifetime.

SECTION 55. 346.65 (2j) (cm) of the statutes is amended to read:

346.65 **(2j)** (cm) In ~~Winnebago County~~ any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) ~~within a 10−year period,~~ equals 3 ~~or more~~, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 3., but the period of imprisonment shall be not less than ~~30~~ 45 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than ~~10~~ 14 days. A person may be sentenced under this paragraph or under par. (bm) or (cr) or sub. (2) (bm) ~~or,~~ (cm), or (dm) or (3r) once in his or her lifetime.

SECTION 56. 346.65 (2j) (cr) of the statutes is created to read:

346.65 **(2j)** (cr) In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) equals 4, and sub. (2) (am) 4m. does not apply, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 3., but the period of imprisonment shall be not less than 60 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 29 days. A person may be sentenced under this paragraph or under par. (bm) or (cm) or sub. (2) (bm), (cm), or (dm) or (3r) once in his or her lifetime.

SECTION 57. 346.65 (2q) of the statutes is amended to read:

346.65 **(2q)** Any person violating s. 346.63 (2m) shall forfeit $200. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under 346.63 (2m), the ~~forfeiture is~~ person shall be fined $400.

SECTION 58. 346.65 (3m) of the statutes is amended to read:

346.65 **(3m)** Except as provided in sub. (3p) or (3r), any person violating s. 346.63 (2) or (6) shall be fined not less than $300 nor more than $2,000 and may be imprisoned for not less than 30 days nor more than one year in the county jail. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (2) or (6), the offense is a felony, the applicable minimum and maximum fines or periods of imprisonment for the conviction are doubled and the place of imprisonment shall be determined under s. 973.02.

SECTION 59. 346.65 (3p) of the statutes is created to read:

346.65 **(3p)** Any person violating s. 346.63 (2) or (6) is guilty of a Class H felony if the person has one or more prior convictions, suspensions, or revocations, as counted under s. 343.307 (1). If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (2) or (6), the offense is a felony and the applicable maximum fines or periods of imprisonment for the conviction are doubled.

SECTION 60. 346.65 (3r) of the statutes is amended to read:

346.65 **(3r)** In ~~Winnebago County~~ any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, any person violating s. 346.63 (2) or (6) shall be fined the same as under sub. (3m), but the period of imprisonment shall be not less than 30 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 15 days. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (2) or (6), the offense is a felony, the applicable minimum and maximum fines or periods of imprisonment for the conviction are doubled and the place of imprisonment shall be determined under s. 973.02. A person may be sentenced under this subsection or under sub. (2) (bm) or (cm) or (2j) (bm) or (cm) once in his or her lifetime. This subsection does not apply to a person sentenced under sub. (3p).

SECTION 61. 346.65 (6) of the statutes is repealed.

SECTION 62. 346.65 (7) of the statutes is amended to read:

346.65 **(7)** A person convicted under sub. (2) (am) 2., 3., 4., 4m., 5., 6., or 7. or (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than a 48−consecutive−hour period.

SECTION 63. 346.65 (8) of the statutes is repealed.

SECTION 64. 346.655 (1) of the statutes is amended to read:

346.655 **(1)** If a court imposes a fine or a forfeiture for a violation of s. 346.63 (1) or (5), ~~except for a first~~

~~violation of s. 346.63 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,~~ or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver improvement surcharge under ch. 814 in an amount of $365 in addition to the fine or forfeiture, plus costs, fees, and other surcharges imposed under ch. 814.

SECTION 65. 347.413 (title) and (1) of the statutes are amended to read:

347.413 (title) **Ignition interlock device tampering; failure to install. (1)** No person may remove, disconnect, tamper with, or otherwise circumvent the operation of an ignition interlock device installed in response to the court order under s. 346.65 (6), 1999 stats., or s. 343.301 (1), or fail to have the ignition interlock device installed as ordered by the court. This subsection does not apply to the removal of an ignition interlock device upon the expiration of the order requiring the motor vehicle to be so equipped or to necessary repairs to a malfunctioning ignition interlock device by a person authorized by the department.

SECTION 66. 347.417 (1) of the statutes is amended to read:

347.417 **(1)** No person may remove, disconnect, tamper with, or otherwise circumvent the operation of any immobilization device installed in response to a court order under s. 346.65 (6), 1999 stats., or s. 343.301 (2), 2007 stats. This subsection does not apply to the removal of an immobilization device pursuant to a court order or to necessary repairs to a malfunctioning immobilization device.

SECTION 67. 347.417 (2) of the statutes is amended to read:

347.417 **(2)** The department shall design a warning label which shall be affixed by the owner of each immobilization device before the device is used to immobilize any motor vehicle under s. 346.65 (6), 1999 stats., or s. 343.301 (2), 2007 stats. The label shall provide notice of the penalties for removing, disconnecting, tampering with, or otherwise circumventing the operation of the immobilization device.

SECTION 68. 347.50 (1s) of the statutes is amended to read:

347.50 **(1s)** Any person violating s. 347.413 (1) or 347.417 (1) may be ~~required to forfeit~~ fined not less than $150 nor more than $600, or may be imprisoned for not more than 6 months, or both for the first offense. For a 2nd or subsequent conviction within 5 years, the person may be fined not less than $300 nor more than $1,000, or imprisoned for not more than 6 months, or both.

SECTION 69. 347.50 (1t) of the statutes is created to read:

347.50 **(1t)** In addition to the penalty under sub. (1s), if a person who is subject to an order under s. 343.301 violates s. 347.413, the court shall extend the order under s. 343.301 (1g) or (2m) for 6 months for each violation.

SECTION 70. 757.05 (1) (a) of the statutes is amended to read:

757.05 **(1)** (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), ~~or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,~~ or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced in proportion to the suspension.

SECTION 71. 814.60 (1) of the statutes is amended to read:

814.60 **(1)** In a criminal action, the clerk of circuit court shall collect a fee of ~~$20~~ $163 for all necessary filing, entering, or recording, to be paid by the defendant when judgment is entered against the defendant. Of the fees received by the clerk of circuit court under this subsection, the county treasurer shall pay ~~50%~~ 93.87 percent to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 72. 814.63 (1) (c) of the statutes is amended to read:

814.63 **(1)** (c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), ~~for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or~~ for a violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

SECTION 73. 814.63 (2) of the statutes is amended to read:

814.63 **(2)** Upon the disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district ordinance, except for an action ~~for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or~~ for a violation under s. 343.51 (1m) (b)

or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district shall pay a nonrefundable fee of $5 to the clerk of circuit court.

SECTION 74. 814.65 (1) of the statutes is amended to read:

814.65 **(1)** COURT COSTS. In a municipal court action, except for an action ~~for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or~~ for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than $15 nor more than $28 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly $5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

SECTION 75. 814.65 (1) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

814.65 **(1)** COURT COSTS. In a municipal court action, for a financial responsibility violation under s. 344.62 (2) or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than $15 nor more than $28 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly $5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

SECTION 76. 814.75 (9m) of the statutes is created to read:

814.75 **(9m)** The ignition interlock surcharge under s. 343.301 (5).

SECTION 77. 814.76 (7m) of the statutes is created to read:

814.76 **(7m)** The ignition interlock surcharge under s. 343.301 (5).

SECTION 78. 814.78 (7m) of the statutes is created to read:

814.78 **(7m)** The ignition interlock surcharge under s. 343.301 (5).

SECTION 79. 814.79 (4r) of the statutes is created to read:

814.79 **(4r)** The ignition interlock surcharge under s. 343.301 (5).

SECTION 80. 814.85 (1) (a) of the statutes is amended to read:

814.85 **(1)** (a) Except for an action for ~~a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for~~ a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a $68 court support services surcharge from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

SECTION 81. 814.85 (1) (a) of the statutes, as affected by 2009 Wisconsin Acts 28 and .... (this act), is repealed and recreated to read:

814.85 **(1)** (a) Except for an action for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a $68 court support services surcharge from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

SECTION 82. 814.86 (1) of the statutes, as affected by 2009 Wisconsin Act 28, section 3240, is amended to read:

814.86 **(1)** Except for an action for ~~a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for~~ a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a $21.50 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

SECTION 83. 814.86 (1) of the statutes, as affected by 2009 Wisconsin Act 28, section 3240m, and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

814.86 **(1)** Except for an action for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a $21.50 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

SECTION 84. 940.09 (1d) of the statutes is repealed and recreated to read:

940.09 **(1d)** A person who violates sub. (1) is subject to the requirements and procedures for installation of an ignition interlock device under s. 343.301.

Section 85. 940.25 (1d) of the statutes is repealed and recreated to read:

940.25 **(1d)** A person who violates sub. (1) is subject to the requirements and procedures for installation of an ignition interlock device under s. 343.301.

Section 86. 969.01 (2) (a) of the statutes is amended to read:

969.01 **(2)** (a) Release pursuant to s. 969.02 or 969.03 may be allowed in the discretion of the trial court after conviction and prior to sentencing or the granting of probation. This paragraph does not apply to a conviction for a 3rd or subsequent violation that is counted as a suspension, revocation, or conviction under s. 343.307, or under s. 940.09 (1) or 940.25 in the person's lifetime, or a combination thereof.

Section 87. 973.05 (2m) (rm) of the statutes is created to read:

973.05 **(2m)** (rm) To the payment of the ignition interlock surcharge under s. 343.301 (5) until paid in full.

Section 88. 973.09 (1) (d) (intro.) of the statutes is renumbered 973.09 (1) (d) and amended to read:

973.09 **(1)** (d) If a person is convicted of an offense that provides a mandatory or presumptive minimum period of one year or less of imprisonment, a court may place the person on probation under par. (a) if the court requires, as a condition of probation, that the person be confined under sub. (4) for at least that mandatory or presumptive minimum period. The person is eligible to earn good time credit calculated under s. 302.43 regarding the period of confinement. ~~This paragraph does not apply if the conviction is for any of the following:~~

Section 89. 973.09 (1) (d) 1. of the statutes is repealed.

Section 90. 973.09 (1) (d) 2. of the statutes is repealed.

Section 91. 973.09 (1) (d) 3. of the statutes is repealed.

Section 92. 973.09 (2) (am) of the statutes is created to read:

973.09 **(2)** (am) Notwithstanding par. (a) 1. d., and except as provided in par. (a) 2., for a misdemeanor punishable under s. 346.65 (2) (am) 4., not less than 6 months nor more than 3 years.

Section 93. 973.15 (8) (a) 3. of the statutes is amended to read:

973.15 **(8)** (a) 3. For not more than 60 days, except that the court may not stay execution of a person's sentence of imprisonment or to the intensive sanctions program under this subdivision if the sentence is for a 3rd or subsequent violation that is counted as a suspension, revocation, or conviction under s. 343.307, or a violation of s. 940.09 (1) or 940.25 in the person's lifetime, or a combination thereof.

Section 93g. 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:

[2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary of administration shall lapse to the general fund or transfer to the general fund from the unencumbered balances of appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to $200,000,000 during the 2007−09 fiscal biennium and $200,000,000 during the 2009−11 fiscal biennium. This paragraph shall not apply to appropriations to the Board of Regents of the University of Wisconsin System and to the technical college system board or to the appropriation account under section 20.410 (1) (bd) of the statutes.

Section 93r. 2009 Wisconsin Act 2, section 9201 (1) (b), as last affected by 2009 Wisconsin Act 28, section 3416d, is amended to read:

[2009 Wisconsin Act 2] Section 9201 (1) (b) Notwithstanding section 20.001 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (c), the secretary of administration shall lapse or transfer to the general fund from the unencumbered balances of appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to $125,000,000 before July 1, 2011. The amounts lapsed or transferred under this paragraph shall be in addition to the amounts lapsed or transferred under 2007 Wisconsin Act 20, section 9201 (1c) (a) to (c). The amount required to be lapsed or transferred under this paragraph is increased by an additional $354,807,600 from available balances in appropriations and funds. No moneys may be lapsed under this paragraph from the appropriation account under section 20.410 (1) (bd) of the statutes.

Section 94. Nonstatutory provisions.

(1) The department of administration, on behalf of and with the assistance of the state public defender, district attorneys, the director of state courts, the department of justice, and the department of corrections, shall, not later than 60 days after the effective date of this subsection, submit to the joint committee on finance a request for funding for a proposed number of created positions and a request for funding necessary to process offenses related to operating a motor vehicle while under the influence of an intoxicant, a controlled substance, a controlled substance analog, or any combination of an intoxicant, a controlled substance, and a controlled substance analog, under the influence of any other drug to a degree that renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree that renders him or her incapable of safely driving or operating a motor vehicle with a prohibited alcohol concentration or a detectable amount of a restricted controlled substance in his or her blood.

SECTION 95. Fiscal changes.

(1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $8,800,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to fund increased state costs associated with this act.

SECTION 96. Initial applicability.

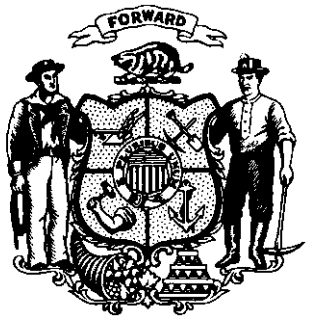
(1) This act first applies to violations that are committed or refusals that occur on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions, or revocations as prior convictions, suspensions, or revocations for purposes of administrative action by the department of transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.

SECTION 97. Effective dates. This act takes effect on July 1, 2010, except as follows:

(1) The repeal and recreation of sections 343.10 (2) (a) (intro.) and 343.23 (2) (b) of the statutes takes effect on the day after publication, or on the date on which the creation of section 343.165 of the statutes by 2007 Wisconsin Act 20 takes effect, whichever is later.

(2) The repeal of section 346.65 (8) of the statutes, the amendment of section 346.65 (2) (bm) and (cm), (2j) (bm) and (cm), and (3r) of the statutes, and the creation of sections 346.65 (2) (dm) and (2j) (cr) of the statutes and SECTIONS 94 and 95 of this act take effect on the day after publication.

State of Wisconsin



2011 Assembly Bill 40

Date of enactment: **June 26, 2011**
Date of publication*: **June 30, 2011**

2011 WISCONSIN ACT 32

(Vetoed in Part)

AN ACT **relating to:** state finances and appropriations, constituting the executive budget act of the 2011 legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1d. 5.02 (18) of the statutes is amended to read:

5.02 **(18)** "September primary" means the primary held the 2nd Tuesday in September to nominate candidates to be voted for at the general election~~, and to determine which candidates for state offices other than district attorney may participate in the Wisconsin election campaign fund~~.

SECTION 2d. 5.35 (6) (b) of the statutes is amended to read:

5.35 **(6)** (b) At each polling place in the state where a consolidated ballot under s. 5.655 is used or an electronic voting system is utilized at a partisan primary election incorporating a ballot upon which electors may mark votes for candidates of more than one recognized political party ~~or for candidates of a recognized political party and independent candidates~~, the municipal clerk or board of election commissioners shall prominently post a sign in the form prescribed by the board warning electors in substance that on any ballot with votes cast for candidates of more than one recognized political party ~~or any ballot with votes cast for candidates of a recognized political party and independent candidates~~, no votes cast for any candidates for partisan office will be counted unless a preference for a party ~~or for the independent candidates~~ is made. If the elector designates a preference, only votes cast for candidates of that preference will be counted.

SECTION 2f. 5.37 (4) of the statutes is amended to read:

5.37 **(4)** Voting machines may be used at primary elections when they comply with subs. (1) and (2) and the following provisions: All candidates' names entitled to appear on the ballots at the primary shall appear on the machine; the elector cannot vote for candidates of more than one party, whenever the restriction applies~~, and an elector who votes for candidates of any party may not vote for independent candidates at the September primary~~; the elector may secretly select the party for which he or she wishes to vote~~, or the independent candidates in the case of the September primary~~; the elector may vote for as many candidates for each office as he or she is lawfully entitled to vote for, but no more.

SECTION 3e. 5.62 (1) (a) of the statutes is amended to read:

5.62 **(1)** (a) At September primaries, the following ballot shall be provided for the nomination of candidates of recognized political parties for national, state and

* Section 991.11, WISCONSIN STATUTES 2009−10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

county offices and independent candidates for state office in each ward, in the same form as prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655. The ballots shall be made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot, except as authorized in s. 5.655. ~~The independent candidates for state office other than district attorney shall have a separate ballot for all such candidates as under s. 5.64 (1) (e), except as authorized in s. 5.655.~~ The ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for president or governor at the last general election shall be on top with the other parties arranged in descending order based on their vote for president or governor at the last general election. The ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying under par. (b), in the same order in which the parties filed petitions with the board. Any ballot required under par. (b) 2. shall be placed next in order. ~~The ballot listing the independent candidates shall be placed at the bottom.~~ At polling places where voting machines are used, each party ~~and the independent candidates~~ shall be represented in one or more separate columns or rows on the ballot. At polling places where an electronic voting system is used other than an electronic voting machine, each party ~~and the independent candidates~~ may be represented in separate columns or rows on the ballot.

SECTION 3m. 5.62 (3) of the statutes is amended to read:

5.62 **(3)** The board shall designate the official primary ballot arrangement for statewide offices and district attorney within each prosecutorial district by using the same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate column or row on the ballot, the candidates for office shall be listed together with the offices which they seek in the following order whenever these offices appear on the September primary ballot: governor, lieutenant governor, attorney general, secretary of state, state treasurer, U.S. senator, U.S. representative in congress, state senator, representative to the assembly, district attorney and the county offices. ~~Below the names of the independent candidates shall appear the party or principle of the candidates, if any, in 5 words or less, as shown on their nomination papers.~~

SECTION 3s. 5.62 (5) of the statutes is repealed.

SECTION 3t. 5.68 (4) of the statutes is amended to read:

5.68 **(4)** ~~Except as provided under sub. (7), the~~ The cost of compensation of election officials and trainees shall be borne in the manner provided in s. 7.03.

SECTION 3u. 5.68 (7) of the statutes is repealed.

SECTION 3v. 5.81 (4) of the statutes is amended to read:

5.81 **(4)** In partisan primary elections, if a ballot contains the names of candidates of more than one party ~~or the names of party candidates and independent candidates~~, it shall provide a space for electors to designate a party preference ~~or a preference for the independent candidates~~. Failure to designate a preference does not invalidate any votes cast by an elector, except as provided in s. 7.50 (1) (d).

SECTION 4g. 5.91 (1) of the statutes is amended to read:

5.91 **(1)** It enables an elector to vote in secrecy and to select the party ~~or the independent candidates for whom~~ for which an elector will vote in secrecy at a partisan primary election.

SECTION 4r. 5.91 (6) of the statutes is amended to read:

5.91 **(6)** The voting device or machine permits an elector in a primary election to vote for the candidates of the recognized political party ~~or the independent candidates~~ of his or her choice, and the automatic tabulating equipment or machine rejects any ballot on which votes are cast in the primary of more than one recognized political party, except where a party ~~or independent candidate~~ designation is made or where an elector casts write−in votes for candidates of more than one party on a ballot that is distributed to the elector.

SECTION 5g. 7.08 (2) (c) of the statutes is repealed.

SECTION 5r. 7.08 (2) (cm) of the statutes is repealed.

SECTION 6c. 7.70 (3) (e) (intro.) and 2. of the statutes are consolidated, renumbered 7.70 (3) (e) and amended to read:

7.70 **(3)** (e) The chairperson of the board or the chairperson's designee shall make a special statement to the board as soon as possible after the canvass of the general election certifying: ~~2. After the general election,~~ the name of each political party which receives at least one percent of the vote cast in such election for any statewide office.

SECTION 6d. 7.70 (3) (e) 1. of the statutes is repealed.

SECTION 7c. 8.15 (7) of the statutes is amended to read:

8.15 **(7)** A candidate may not run in more than one party primary at the same time. No filing official may accept nomination papers for the same person in the same election for more than one party. ~~An independent candidate at a partisan primary or other election may not file nomination papers as the candidate of a recognized political party for the same office at the same election.~~ A person who files nomination papers as the candidate of a recognized political party may not file nomination papers as an independent candidate for the same office at the same election.

SECTION 7d. 8.16 (1) of the statutes is amended to read:

8.16 **(1)** Except as provided in sub. (2), the person who receives the greatest number of votes for an office on a party ballot at any partisan primary, regardless of whether the person's name appears on the ballot, shall be

the party's candidate for the office, and the person's name shall so appear on the official ballot at the next election. ~~All independent candidates shall appear on the general election ballot regardless of the number of votes received by such candidates at the September primary.~~

SECTION 7e. 8.16 (5) of the statutes is repealed.

SECTION 7f. 8.20 (8) (a) of the statutes is amended to read:

8.20 **(8)** (a) Nomination papers for independent candidates for any office to be voted upon at a general election ~~or September primary and general election~~, except president, vice president and presidential elector, may be circulated no sooner than June 1 preceding the election and may be filed no later than 5 p.m. on the 2nd Tuesday of July preceding the September primary, except as authorized in this paragraph. If an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on the 2nd Tuesday of July preceding the September primary, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office within the time prescribed in this paragraph.

SECTION 7g. 8.20 (9) of the statutes is amended to read:

8.20 **(9)** Persons nominated by nomination papers without a recognized political party designation shall be placed on the official ballot at the general election and at any partisan election to the right or below the recognized political party candidates in their own column or row designated "Independent". ~~At the September primary, persons nominated for state office by nomination papers without a recognized political party designation shall be placed on a separate ballot or, if a consolidated paper ballot under s. 5.655 (2), an electronic voting system or voting machines are used, in a column or row designated "Independent".~~ If the candidate's name already appears under a recognized political party it may not be listed on the independent ballot, column or row.

SECTION 7n. 8.35 (4) (b) of the statutes is repealed.

SECTION 7r. 8.35 (4) (c) of the statutes is amended to read:

8.35 **(4)** (c) The transfer shall be reported to the appropriate filing officer in a special report submitted by the former candidate's campaign treasurer. If the former candidate is deceased and was serving as his or her own campaign treasurer, the former candidate's petitioner or personal representative shall file the report ~~and make the transfer required by par. (b), if any~~. The report shall include a complete statement of all contributions, disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period from the day after the last date covered on the former candidate's most recent report to the date of disposition.

SECTION 7w. 8.50 (3) (b) of the statutes is amended to read:

8.50 **(3)** (b) Except as otherwise provided in this section, the provisions for September primaries under s. 8.15 are applicable to all partisan primaries held under this section, and the provisions for spring primaries under s. 8.10 are applicable to all nonpartisan primaries held under this section. In a special partisan primary or election, the order of the parties on the ballot shall be the same as provided under s. 5.62 (1) or 5.64 (1) (b). ~~Independent candidates for state office at a special partisan election shall not appear on the primary ballot.~~ No primary is required for a nonpartisan election in which not more than 2 candidates for an office appear on the ballot or for a partisan election in which not more than one candidate for an office appears on the ballot of each recognized political party. In every special election except a special election for nonpartisan state office where no candidate is certified to appear on the ballot, a space for write−in votes shall be provided on the ballot, regardless of whether a special primary is held.

SECTION 8d. 10.02 (3) (b) 2. of the statutes is amended to read:

10.02 **(3)** (b) 2. At a ~~special~~ partisan primary, the elector shall select the party ballot of his or her choice and shall make a cross (✗) next to or depress the lever or button next to the candidate's name for each office for whom the elector intends to vote, or shall insert or write in the name of the elector's choice for a candidate.

SECTION 8h. 10.02 (3) (b) 2m. of the statutes is repealed.

SECTION 8p. 10.06 (1) (e) of the statutes is amended to read:

10.06 **(1)** (e) As soon as possible following the state canvass of the spring primary vote, but no later than the first Tuesday in March, the board shall send a type B notice certifying to each county clerk the list of candidates for the spring election. When no state spring primary is held or when the only primary held is the presidential preference primary, this notice shall be sent under par. (c). ~~The board shall also in any case send a certified list of candidates under s. 11.50 to the state treasurer pursuant to s. 7.08 (2) (c).~~ When there is a referendum, the board shall send type A and C notices certifying each question to the county clerks as soon as possible, but no later than the first Tuesday in March.

SECTION 8t. 10.06 (1) (i) of the statutes is amended to read:

10.06 **(1)** (i) As soon as possible after the state canvass, but no later than the 4th Tuesday in September, the board shall send a type B notice certifying the list of candidates and type A and C notices certifying each question for any referendum to each county clerk for the general election ~~and a certified list of candidates under s. 11.50 to the state treasurer pursuant to s. 7.08 (2) (c)~~.

SECTION 11c. 11.06 (1) (jm) of the statutes is amended to read:

11.06 **(1)** (jm) A copy of any separate schedule prepared or received pursuant to an escrow agreement under s. 11.16 (5). A candidate or personal campaign committee receiving contributions under such an agreement and attaching a separate schedule under this paragraph may indicate the percentage of the total contributions received, disbursements made ~~and exclusions claimed under s. 11.31 (6)~~ without itemization, except that amounts received from any contributor pursuant to the agreement who makes any separate contribution to the candidate or personal campaign committee during the calendar year of receipt as indicated in the schedule shall be aggregated and itemized if required under par. (a) or (b).

SECTION 11g. 11.12 (2) of the statutes is amended to read:

11.12 **(2)** ~~No registrant, other than a candidate who receives a public financing benefit from the democracy trust fund, may accept an~~ Any anonymous contribution exceeding $10~~. No candidate who receives a public financing benefit from the democracy trust fund may accept an anonymous contribution exceeding $5. Any anonymous contribution that may not be accepted under this subsection~~ received by a campaign or committee treasurer or by an individual under s. 11.06 (7) may not be used or expended. The contribution shall be donated to the common school fund or to ~~a~~ any charitable organization at the option of the ~~registrant's~~ treasurer.

SECTION 11n. 11.16 (2) of the statutes is amended to read:

11.16 **(2)** LIMITATION ON CASH CONTRIBUTIONS. ~~Except as provided in s. 11.506 (6), every~~ Every contribution of money exceeding $50 shall be made by negotiable instrument or evidenced by an itemized credit card receipt bearing on the face the name of the remitter. No treasurer may accept a contribution made in violation of this subsection. The treasurer shall promptly return the contribution, or donate it to the common school fund or to a charitable organization in the event that the donor cannot be identified.

SECTION 11r. 11.16 (3) of the statutes is amended to read:

11.16 **(3)** FORM OF DISBURSEMENTS. ~~Except as authorized under s. 11.511 (1), every~~ Every disbursement which is made by a registered individual or treasurer from the campaign depository account shall be made by negotiable instrument. Such instrument shall bear on the face the full name of the candidate, committee, individual or group as it appears on the registration statement filed under s. 11.05 and where necessary, such additional words as are sufficient to clearly indicate the political nature of the registrant or account of the registrant. The name of a political party shall include the word "party". The instrument of each committee registered with the board and designated under s. 11.05 (3) (c) as a special interest committee shall bear the identification number assigned under s. 11.21 (12) on the face of the instrument.

SECTION 11w. 11.16 (5) of the statutes is amended to read:

11.16 **(5)** ESCROW AGREEMENTS. Any personal campaign committee, political party committee or legislative campaign committee may, pursuant to a written escrow agreement with more than one candidate, solicit contributions for and conduct a joint fund raising effort or program on behalf of more than one named candidate. The agreement shall specify the percentage of the proceeds to be distributed to each candidate by the committee conducting the effort or program. The committee shall include this information in all solicitations for the effort or program. All contributions received and disbursements made by the committee in connection with the effort or program shall be received and disbursed through a separate depository account under s. 11.14 (1) that is identified in the agreement. For purposes of s. 11.06 (1), the committee conducting the effort or program shall prepare a schedule in the form prescribed by the board supplying all required information under s. 11.06 (1) ~~and items qualifying for exclusion under s. 11.31 (6)~~ for the effort or program, and shall transmit a copy of the schedule to each candidate who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

SECTION 12b. 11.21 (15) of the statutes is repealed.

SECTION 12d. 11.26 (1) (a) of the statutes is amended to read:

11.26 **(1)** (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, ~~or~~ state superintendent, or justice, $10,000.

SECTION 12e. 11.26 (1) (am) of the statutes is repealed.

SECTION 12g. 11.26 (2) (a) of the statutes is amended to read:

11.26 **(2)** (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, ~~or~~ state superintendent, or justice, 4 percent of the value of the disbursement level specified in the schedule under s. 11.31 (1).

SECTION 12h. 11.26 (2) (an) of the statutes is repealed.

SECTION 12j. 11.26 (9) (a) of the statutes is amended to read:

11.26 **(9)** (a) ~~Except as provided in par. (ba), no~~ No individual who is a candidate for state or local office may

receive and accept more than 65 percent of the value of the total disbursement level determined under s. 11.31 ~~or 11.511 (7) (a)~~ for the office for which he or she is a candidate during any primary and election campaign combined from all committees subject to a filing requirement, including political party and legislative campaign committees.

SECTION 12k. 11.26 (9) (b) of the statutes is amended to read:

11.26 **(9)** (b) ~~Except as provided in par. (ba), no~~ No individual who is a candidate for state or local office may receive and accept more than 45 percent of the value of the total disbursement level determined under s. 11.31 ~~or 11.511 (7) (a)~~ for the office for which he or she is a candidate during any primary and election campaign combined from all committees other than political party and legislative campaign committees subject to a filing requirement.

SECTION 12L. 11.26 (9) (ba) of the statutes is repealed.

SECTION 12m. 11.26 (9) (c) of the statutes is repealed.

SECTION 12n. 11.26 (10) of the statutes is repealed.

SECTION 12p. 11.26 (13) of the statutes is repealed.

SECTION 12s. 11.26 (17) (a) of the statutes is amended to read:

11.26 **(17)** (a) For purposes of application of the limitations imposed in subs. (1), (2), and (9) ~~and (10)~~, the "campaign" of a candidate begins and ends at the times specified in this subsection.

SECTION 13b. 11.31 (title) of the statutes is amended to read:

11.31 (title) **Disbursement levels ~~and limitations~~; calculation.**

SECTION 13d. 11.31 (1) (intro.) of the statutes is amended to read:

11.31 **(1)** SCHEDULE. (intro.) The following levels of disbursements are established with reference to the candidates listed below. ~~Except as provided in sub. (2), such~~ The levels do not operate to restrict the total amount of disbursements which are made or authorized to be made by any candidate in any primary or other election.

SECTION 13g. 11.31 (1) (d) of the statutes is amended to read:

11.31 **(1)** (d) Candidates for secretary of state, state treasurer, ~~or,~~ state superintendent, or justice, $215,625.

SECTION 13h. 11.31 (2) of the statutes is repealed.

SECTION 13i. 11.31 (2m) of the statutes is repealed.

SECTION 13j. 11.31 (3) of the statutes is repealed.

SECTION 13k. 11.31 (3m) of the statutes is repealed.

SECTION 13km. 11.31 (4) of the statutes is repealed.

SECTION 13p. 11.31 (6) of the statutes is repealed.

SECTION 13s. 11.31 (7) (b) to (d) of the statutes are amended to read:

11.31 **(7)** (b) Disbursements which are made before a campaign period for goods to be delivered or services to be rendered in connection with the campaign are ~~charged against~~ allocated to the disbursement ~~limitation~~ level for that campaign.

(c) Disbursements which are made after a campaign to retire a debt incurred in relation to a campaign are ~~charged against~~ allocated to the disbursement ~~limitation~~ level for that campaign.

(d) Disbursements which are made outside a campaign period and to which par. (b) or (c) does not apply are not subject to any disbursement ~~limitation~~ level. Such disbursements are subject to s. 11.25 (2).

SECTION 13t. 11.31 (8) of the statutes is amended to read:

11.31 **(8)** CERTAIN CONTRIBUTIONS EXCLUDED. The ~~limitations imposed under~~ levels specified in this section do not apply to a gift of anything of value constituting a contribution made directly to a registrant by another, but the ~~limitations shall~~ levels do apply to such a gift when it is received and accepted by the recipient or if received in the form of money, when disbursed.

SECTION 13v. 11.31 (10) of the statutes is repealed.

SECTION 13vb. 11.50 of the statutes is repealed.

SECTION 13wb. 11.501 of the statutes is repealed.

SECTION 13wc. 11.502 of the statutes is repealed.

SECTION 13wd. 11.503 of the statutes is repealed.

SECTION 13we. 11.505 of the statutes is repealed.

SECTION 13wf. 11.506 of the statutes is repealed.

SECTION 13wg. 11.507 of the statutes is repealed.

SECTION 13wh. 11.508 of the statutes is repealed.

SECTION 13wi. 11.509 of the statutes is repealed.

SECTION 13wj. 11.51 of the statutes is repealed.

SECTION 13wk. 11.511 of the statutes is repealed.

SECTION 14. 11.512 of the statutes is repealed.

SECTION 15. 11.513 of the statutes is repealed.

SECTION 16a. 11.515 of the statutes is repealed.

SECTION 16b. 11.516 of the statutes is repealed.

SECTION 16c. 11.517 of the statutes is repealed.

SECTION 16d. 11.518 of the statutes is repealed.

SECTION 16e. 11.522 of the statutes is repealed.

SECTION 16f. 11.60 (4) of the statutes is amended to read:

11.60 **(4)** Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (h), 5.08, and 5.081, actions under this section ~~or s. 11.517~~ may be brought by the board or by the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than a natural person resides within a county if the person's principal place of operation is located within that county.

SECTION 17c. 11.61 (2) of the statutes is amended to read:

11.61 **(2)** Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (i), 5.08, and 5.081, all prosecutions under this section ~~or s. 11.518~~ shall be conducted by

the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than a natural person resides within a county if the person's principal place of operation is located within that county.

SECTION 19m. 13.099 (1) (a) of the statutes is amended to read:

13.099 **(1)** (a) "Department" means the department of ~~commerce~~ administration.

SECTION 20. 13.099 (1) (b) of the statutes is amended to read:

13.099 **(1)** (b) "State housing strategy plan" means the plan developed under s. ~~560.9802~~ 16.302.

SECTION 21. 13.099 (2) (a) of the statutes is amended to read:

13.099 **(2)** (a) If any bill that is introduced in either house of the legislature directly or substantially affects the development, construction, cost, or availability of housing in this state, the department shall prepare a report on the bill within 30 days after it is introduced. The department may request any information from other state agencies, local governments or individuals, or organizations that is reasonably necessary for the department to prepare the report.

SECTION 25. 13.099 (3) (a) 5. of the statutes is amended to read:

13.099 **(3)** (a) 5. Housing costs, as defined in s. ~~560.9801~~ 16.301 (3) (a) and (b).

SECTION 33. 13.40 of the statutes is repealed.

SECTION 35. 13.48 (2) (b) 1m. of the statutes is amended to read:

13.48 **(2)** (b) 1m. The University of Wisconsin System may not accept any gift, grant or bequest of real property with a value in excess of ~~$30,000~~ $150,000 or any gift, grant or bequest of a building or structure that is constructed for the benefit of the system or any institution thereof without the approval of the building commission.

SECTION 39. 13.48 (2) (b) 4. of the statutes is repealed.

SECTION 41. 13.48 (2) (d) of the statutes is amended to read:

13.48 **(2)** (d) The building commission, for the purpose of carrying out s. 36.33 relating to the sale and purchase of agricultural lands of the University of Wisconsin, may authorize the advance of sums from the state building trust fund for the purchase price, including option payments, of agricultural lands to be acquired by the University of Wisconsin and for expenses incurred in selling agricultural lands presently owned by the University of Wisconsin, including, without limitation because of enumeration, expenses of surveying, platting, constructing and improving streets and utilities and drainage in such a way as to realize the greatest return to the state in the sale of such lands, and other selling expenses. All such sums advanced shall be repaid to the state building trust fund from the appropriation made by s. 20.285 (1) ~~(ka)~~ (gb).

SECTION 43. 13.48 (2) (j) of the statutes is repealed.

SECTION 44p. 13.48 (3) of the statutes is amended to read:

13.48 **(3)** STATE BUILDING TRUST FUND. In the interest of the continuity of the program, the moneys appropriated to the state building trust fund under s. 20.867 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys shall be deposited into the state building trust fund. At such times as the building commission directs, or in emergency situations under s. 16.855 (16) (b), the governor shall authorize releases from this fund to become available for projects and shall direct the department of administration to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the building commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement, employment conditions and availability of materials in the locality in which the improvement is to be made. The building commission may authorize any project costing ~~$500,000~~ $760,000 or less in accordance with priorities to be established by the building commission and may adjust the priorities by deleting, substituting or adding new projects as needed to reflect changing program needs and unforeseen circumstances. The building commission may enter into contracts for the construction of buildings for any state agency, except a project authorized under sub. (10) (c), and shall be responsible for accounting for all funds released to projects. The building commission may designate the department of administration or the agency for which the project is constructed to act as its representative in such accounting.

SECTION 45. 13.48 (4) of the statutes is amended to read:

13.48 **(4)** STATE AGENCIES TO REPORT PROPOSED PROJECTS. ~~Each~~ Whenever any state agency ~~contemplating~~ contemplates a project under ~~this~~ the state building program it shall report ~~its proposed projects~~ the project to the building commission. The report shall be made on such date and in such manner as the building commission prescribes. This subsection does not apply to projects identified in sub. (10) (c).

SECTION 47. 13.48 (10) (a) of the statutes is amended to read:

13.48 **(10)** (a) ~~No~~ Except as provided in par. (c), no state board, agency, officer, department, commission, or body corporate may enter into a contract for the construction, reconstruction, remodeling of, or addition to any building, structure, or facility, in connection with any building project which involves a cost in excess of ~~$150,000~~ $185,000 without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. ~~The building~~

~~commission may not approve a contract for the construction, reconstruction, renovation or remodeling of or an addition to a state building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied with or does not apply.~~ This section applies to the department of transportation only in respect to buildings, structures, and facilities to be used for administrative or operating functions, including buildings, land, and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

SECTION 49. 13.48 (10) (c) of the statutes is created to read:

13.48 **(10)** (c) Paragraph (a) does not apply to any contract for a building project involving a cost of less than $500,000 to be constructed for the University of Wisconsin System that is funded entirely from the proceeds of gifts and grants made to the system.

SECTION 50g. 13.48 (14) (a) of the statutes is amended to read:

13.48 **(14)** (a) In this subsection, "agency" has the meaning given for "state agency" in s. 20.001 (1), except that ~~during the period beginning on October 27, 2007, and ending on June 30, 2009, and the period beginning on July 1, 2009,~~ the term does not include the Board of Regents of the University of Wisconsin System.

SECTION 50h. 13.48 (14) (am) of the statutes is amended to read:

13.48 **(14)** (am) ~~Subject~~ Except as provided in this paragraph and subject to par. (d), the building commission shall have the authority to sell or lease all or any part of a state−owned building or structure or state−owned land, including farmland, where such authority is not otherwise provided to an agency by law, and may transfer land under its jurisdiction among agencies. The building commission does not have the authority to sell or lease any state−owned property under this paragraph after the department of administration notifies the commission in writing that an offer of sale or sale with respect to a property is pending under s. 16.848 (1). If the sale is not completed and no further action is pending with respect to the property, the authority of the building commission under this paragraph is restored.

SECTION 52. 13.48 (29) of the statutes is amended to read:

13.48 **(29)** SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m), the building commission may prescribe simplified policies and procedures to be used in lieu of the procedures provided in s. 16.855 for any project that does not require prior approval of the building commission under sub. (10) (a), except projects specified in sub. (10) (c).

SECTION 56g. 13.48 (32) (b) (intro.) of the statutes is amended to read:

13.48 **(32)** (b) (intro.) The building commission may authorize up to ~~$15,000,000~~ $23,000,000 of general fund supported borrowing to aid in the construction of a dental clinic and education facility at Marquette University. The state funding commitment for the construction of the facility shall be in the form of a construction grant to Marquette University. Before approving any state funding commitment for such a facility and before awarding the construction grant to Marquette University, the building commission shall determine that all of the following conditions have been met:

SECTION 56h. 13.48 (32) (b) 1. of the statutes is amended to read:

13.48 **(32)** (b) 1. Marquette University has secured additional funding commitments of at least ~~$15,000,000~~ $23,000,000 from nonstate revenue sources, the nonstate revenue sources are reasonable and available and the total funding commitments of the state and the nonstate sources will permit Marquette University to enter into contracts for the construction of the dental clinic and education facility.

SECTION 56p. 13.48 (40m) of the statutes is created to read:

13.48 **(40m)** LAC DU FLAMBEAU INDIAN TRIBAL CULTURAL CENTER. (a) The legislature finds and determines that the Lac du Flambeau Band of Lake Superior Chippewa has played a vital part in the course of Wisconsin history and has contributed in countless and significant ways to the cultural richness and diversity of this state. Moreover, the legislature finds and determines that Wisconsin citizens, including students, can benefit from learning more about the history and the culture of the Lac du Flambeau Band of Lake Superior Chippewa. It is therefore in the public interest, and it is the public policy of this state, to assist the Lac du Flambeau Band of Lake Superior Chippewa in the construction of a tribal cultural center.

(b) The building commission may authorize up to $250,000 in general fund supported borrowing to aid in the construction of a tribal cultural center for the Lac du Flambeau Band of Lake Superior Chippewa. The state funding commitment shall be in the form of a grant to the Lac du Flambeau Band of Lake Superior Chippewa. Before approving any state funding commitment under this paragraph, the building commission shall determine that the Lac du Flambeau Band of Lake Superior Chippewa has secured at least $1,373,000 in additional funding from nonstate donations for the project.

(c) If the building commission authorizes a grant to the Lac du Flambeau Band of Lake Superior Chippewa under par. (b) and if, for any reason, the facility that is constructed with funds from the grant is not used as a tribal cultural center, the state shall retain an ownership interest in the facility equal to the amount of the state's grant.

SECTION 59. 13.489 (1m) (f) of the statutes is created to read:

13.489 **(1m)** (f) This subsection does not apply to major highway projects described in s. 84.013 (1) (a) 2m.

SECTION 60. 13.489 (4) (d) of the statutes is created to read:

13.489 **(4)** (d) This subsection does not apply to major highway projects described in s. 84.013 (1) (a) 2m.

SECTION 61. 13.489 (4m) of the statutes is created to read:

13.489 **(4m)** REVIEW OF HIGH−COST MAJOR HIGHWAY PROJECTS. (a) Notwithstanding sub. (4), for any major highway project described in s. 84.013 (1) (a) 2m., the department of transportation shall submit a report to the commission, prior to construction of the project, which report may request the commission's approval to proceed with the project. The department may submit this request at any time following completion by the department of a draft environmental impact statement or environmental assessment for the project.

(b) After receiving a request under par. (a) for approval to proceed with a major highway project described in s. 84.013, the commission shall meet to approve, approve with modifications, or disapprove the request. The department may implement the request only as approved by the commission, including approval after modification by the commission.

(c) The department of transportation may not proceed with construction of a major highway project described in s. 84.013 (1) (a) 2m. unless the project is approved by the commission as provided in par. (b).

(d) The procedures specified in this subsection shall apply to all major highway projects described in s. 84.013 (1) (a) 2m. in lieu of the procedures described in sub. (4).

SECTION 63. 13.625 (9) of the statutes is amended to read:

13.625 **(9)** This section does not apply to the solicitation, acceptance, or furnishing of anything of pecuniary value by the ~~department of commerce~~ Wisconsin Economic Development Corporation, or to a principal furnishing anything of pecuniary value to the ~~department of commerce~~ Wisconsin Economic Development Corporation, under s. 19.56 (3) (e) or (f) for the activities specified in s. 19.56 (3) (e).

SECTION 65. 13.94 (1) (dp) of the statutes is created to read:

13.94 **(1)** (dp) In addition to any other audit to be performed under this section relating to veterans homes, perform one or more financial audits of the operation of the Wisconsin Veterans Home at Chippewa Falls by any private entity with which the department of veterans affairs enters into an agreement under s. 45.50 (2m) (c). The audit shall be performed at such time as the governor or legislature directs.

SECTION 66. 13.94 (1) (mm) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

13.94 **(1)** (mm) No later than July 1, 2012, prepare a financial and performance evaluation audit of the economic development programs administered by ~~the department of commerce,~~ the University of Wisconsin System, the department of agriculture, trade and consumer protection, the department of natural resources, the Wisconsin Housing and Economic Development Authority, the Wisconsin Economic Development Corporation, the department of tourism, the technical college system, and the department of transportation. In this paragraph, economic development program has the meaning given in s. ~~560.001 (1m)~~ 23.167 (1). The legislative audit bureau shall file a copy of the report of the audit under this paragraph with the distributees specified in par. (b).

SECTION 67. 13.94 (1) (ms) of the statutes is amended to read:

13.94 **(1)** (ms) No later than July 1, 2014, prepare a financial and performance evaluation audit of the economic development tax benefit program under ss. ~~560.701 to 560.706~~ 238.301 to 238.306. The legislative audit bureau shall file a copy of the report of the audit under this paragraph with the distributees specified in par. (b).

SECTION 68. 13.94 (1) (n) of the statutes is amended to read:

13.94 **(1)** (n) Provide periodic performance audits of any division of the department of ~~commerce~~ safety and professional services that is responsible for inspections of multifamily housing under s. 101.973 (11).

SECTION 73. 14.165 (2) of the statutes is amended to read:

14.165 **(2)** RECOMMENDATIONS. The department of administration, department of ~~commerce~~ safety and professional services, and public service commission shall make recommendations to the governor for awards under sub. (1).

SECTION 74. 14.57 of the statutes is renumbered 15.105 (25m), and 15.105 (25m) (intro.) and (a), as renumbered, are amended to read:

15.105 **(25m)** ~~SAME; ATTACHED BOARDS~~ COLLEGE SAVINGS PROGRAM BOARD. (intro.) There is created a college savings program board that is attached to the ~~office of the state treasurer~~ department of administration under s. 15.03 and that consists of all of the following members:

(a) The ~~state treasurer~~ secretary of administration or his or her designee.

SECTION 74m. 14.58 (20) of the statutes is repealed.

SECTION 75. 14.63 of the statutes is renumbered 16.64, and 16.64 (2) (intro.) and (b), (3) (a), (c) and (d), (4), (5) (b) (intro.), (6) (a) 5. and (b), (7) (a) (intro.), 4. and 5. and (b), (7m) (a) (intro.), (b) and (c), (9), (10) (a) and (b), (12) (title), (a) (intro.) and (b) (intro.) and (13), as renumbered, are amended to read:

16.64 **(2)** WEIGHTED AVERAGE TUITION; TUITION UNIT COST. (intro.) Annually, the ~~state treasurer~~ department and the board jointly shall determine all of the following:

(b) The price of a tuition unit, which shall be valid for a period determined jointly by the ~~state treasurer~~ department and the board. The price shall be sufficient to

ensure the ability of the ~~state treasurer~~ department to meet ~~his or her~~ its obligations under this section. To the extent possible, the price shall be set so that the value of the tuition unit in the anticipated academic year of its use will be equal to 1% of the weighted average tuition for that academic year plus the costs of administering the program under this section attributable to the unit.

(3) (a) An individual, trust, legal guardian, or entity described under 26 USC 529 (e) (1) (C) may enter into a contract with the ~~state treasurer~~ department for the sale of tuition units on behalf of a beneficiary.

(c) The ~~state treasurer~~ department may charge a purchaser an enrollment fee.

(d) The ~~state treasurer~~ department shall promulgate rules authorizing a person who has entered into a contract under this subsection to change the beneficiary named in the contract.

(4) NUMBER OF TUITION UNITS PURCHASED. A person who enters into a contract under sub. (3) may purchase tuition units at any time and in any number, or may authorize a parent, grandparent, great−grandparent, aunt, or uncle of the beneficiary to purchase tuition units, except that the total number of tuition units purchased on behalf of a single beneficiary may not exceed the number necessary to cover tuition, fees and the costs of room and board, books, supplies and equipment required for enrollment or attendance of the beneficiary at an institution of higher education.

(5) (b) (intro.) Upon request by the beneficiary, the ~~state treasurer~~ department shall pay to the institution or beneficiary, whichever is appropriate, in each semester of attendance the lesser of the following:

(6) (a) 5. Other circumstances determined by the ~~state treasurer~~ department to be grounds for termination.

(b) The ~~state treasurer~~ department may terminate a contract under sub. (3) if any of the tuition units purchased under the contract remain unused 10 years after the anticipated academic year of the beneficiary's initial enrollment in an institution of higher education, as specified in the contract.

(7) (a) (intro.) Except as provided in sub. (7m), the ~~state treasurer~~ department shall do all of the following:

4. If a contract is terminated under sub. (6) (a) 5., refund to the person who entered into the contract the amount under subd. 2. or under subd. 3., as determined by the ~~state treasurer~~ department.

5. If the beneficiary is awarded a scholarship, tuition waiver or similar subsidy that cannot be converted into cash by the beneficiary, refund to the person who entered into the contract, upon the person's request, an amount equal to the value of the tuition units that are not needed because of the scholarship, waiver or similar subsidy and that would otherwise have been paid by the ~~state treasurer~~ department on behalf of the beneficiary during the semester in which the beneficiary is enrolled.

(b) The ~~state treasurer~~ department shall determine the method and schedule for the payment of refunds under this subsection.

(7m) (a) (intro.) The ~~state treasurer~~ department may adjust the value of a tuition unit based on the actual earnings attributable to the tuition unit less the costs of administering the program under this section that are attributable to the tuition unit if any of the following applies:

(b) The ~~state treasurer~~ department may not increase the value of a tuition unit under par. (a) to an amount that exceeds the value of a tuition unit that was purchased at a similar time, held for a similar period and used or refunded in the anticipated academic year of the beneficiary's attendance, as specified in the contract.

(c) The ~~state treasurer~~ department may promulgate rules imposing or increasing penalties for refunds under sub. (7) (a) if the ~~state treasurer~~ department determines that such rules are necessary to maintain the status of the program under this section as a qualified state tuition program under section 529 of the Internal Revenue Code, as defined in s. 71.01 (6).

(9) CONTRACT WITH ACTUARY. The ~~state treasurer~~ department shall contract with an actuary or actuarial firm to evaluate annually whether the assets in the tuition trust fund are sufficient to meet the obligations of the ~~state treasurer~~ department under this section and to advise the ~~state treasurer~~ department on setting the price of a tuition unit under sub. (2) (b).

(10) (a) Annually, the ~~state treasurer~~ department shall submit a report to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3), on the program under this section. The report shall include any recommendations for changes to the program that the ~~state treasurer~~ department determines are necessary to ensure the sufficiency of the tuition trust fund to meet the ~~state treasurer's~~ department's obligations under this section.

(b) The ~~state treasurer~~ department shall submit a quarterly report to the state investment board projecting the future cash flow needs of the tuition trust fund. The state investment board shall invest moneys held in the tuition trust fund in investments with maturities and liquidity that are appropriate for the needs of the fund as reported by the ~~state treasurer~~ department in ~~his or her~~ its quarterly reports. All income derived from such investments shall be credited to the fund.

(12) (title) ADDITIONAL DUTIES AND POWERS ~~OF THE STATE TREASURER~~. (a) (intro.) The ~~state treasurer~~ department shall do all of the following:

(b) (intro.) The ~~state treasurer~~ department may do any of the following:

(13) PROGRAM TERMINATION. If the ~~state treasurer~~ department determines that the program under this section is financially infeasible, the ~~state treasurer~~ depart-

ment shall discontinue entering into contracts under sub. (3) and discontinue selling tuition units under sub. (4).

SECTION 76. 14.64 of the statutes is renumbered 16.641, and 16.641 (2) (g) and (3) (a) 1., as renumbered, are amended to read:

16.641 **(2)** (g) Ensure that if the department ~~of administration~~ changes vendors, the balances of college savings accounts are promptly transferred into investment instruments as similar to the original investment instruments as possible.

(3) (a) 1. Contribute to a college savings account or authorize a parent, grandparent, great−grandparent, aunt, or uncle of the beneficiary to contribute to the account.

SECTION 77. 14.65 of the statutes is renumbered 16.642 and amended to read:

16.642 Repayment to the general fund. (1) The secretary ~~of administration~~ shall transfer from the tuition trust fund, the college savings program trust fund, the college savings program bank deposit trust fund, or the college savings program credit union deposit trust fund to the general fund an amount equal to the amount expended from the appropriations under s. 20.505 (9) (a), 1995 stats., s. 20.585 (2) (a), 2001 stats., and s. 20.585 (2) (am), 2001 stats., when the secretary ~~of administration~~ determines that funds in those trust funds are sufficient to make the transfer. The secretary ~~of administration~~ may make the transfer in installments.

(2) Annually, by June 1, the ~~state treasurer~~ secretary shall submit a report to ~~the secretary of administration and~~ the joint committee on finance on the amount available for repayment under sub. (1), the amount repaid under sub. (1), and the outstanding balance under sub. (1).

SECTION 79. 14.85 (2) of the statutes is amended to read:

14.85 **(2)** The ~~secretary of commerce, the~~ secretary of tourism, the secretary of natural resources, the secretary of transportation, and the director of the historical society, or their designees, shall serve as nonvoting members of the commission.

SECTION 80. 14.85 (8) (d) of the statutes is amended to read:

14.85 **(8)** (d) ~~If permitted by law, any state agency or local public body, board, commission or agency may allocate funds under its control to fund programs recommended by the commission. If the department of commerce determines that a program recommended by the commission to undertake activities relating to the promotion of economic development is consistent with the department's statewide economic development plans, priorities and resources, the department shall have primary responsibility to support the activities of the program.~~ If the department of tourism determines that a program recommended by the commission to undertake activities relating to the promotion of tourism is consistent with the department's statewide tourism marketing plans, priorities, and resources, the department shall have primary responsibility to support the activities of the program.

SECTION 81. 14.85 (9) of the statutes is amended to read:

14.85 **(9)** The commission may establish a technical committee to advise the commission. The members of the committee shall include at least one employee each from the department of transportation, and the department of tourism ~~and the department of commerce~~. The commission shall request the department of transportation, and the department of tourism ~~and the department of commerce~~ to designate employees to serve on the committee and may request any other state agency to designate an employee to serve on the committee.

SECTION 83. 15.01 (6) of the statutes is amended to read:

15.01 **(6)** "Division," "bureau," "section" and "unit" means the subunits of a department or an independent agency, whether specifically created by law or created by the head of the department or the independent agency for the more economic and efficient administration and operation of the programs assigned to the department or independent agency. The office of justice assistance in the department of administration~~, the office of energy independence in the department of administration, the office of the Wisconsin Covenant Scholars Program in the department of administration,~~ and the office of credit unions in the department of financial institutions have the meaning of "division" under this subsection. The office of the long−term care ombudsman under the board on aging and long−term care and the office of educational accountability in the department of public instruction have the meaning of "bureau" under this subsection.

SECTION 84. 15.02 (3) (c) 1. of the statutes is amended to read:

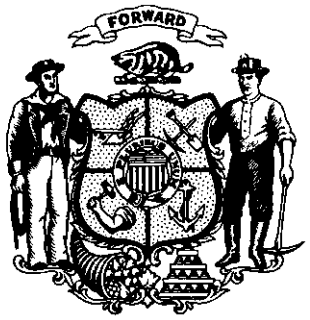
15.02 **(3)** (c) 1. The principal subunit of the department is the "division". Each division shall be headed by an "administrator". The office of justice assistance in the department of administration~~, the office of the Wisconsin Covenant Scholars Program in the department of administration,~~ and the office of credit unions in the department of financial institutions have the meaning of "division" and the executive staff director of the office of justice assistance in the department of administration~~, the director of the office of the Wisconsin Covenant Scholars Program in the department of administration,~~ and the director of credit unions have the meaning of "administrator" under this subdivision.

SECTION 86. 15.07 (1) (b) 8. of the statutes is repealed.

SECTION 87. 15.07 (1) (cm) of the statutes is amended to read:

15.07 **(1)** (cm) The term of one member of the government accountability board shall expire on each May 1. ~~The terms of 3 members of the economic policy board~~

State of Wisconsin



Date of enactment: **March 9, 2015**

2015 Senate Bill 44

Date of publication*: **March 10, 2015**

2015 WISCONSIN ACT 1

AN ACT ***to repeal*** 111.01 and 111.06 (1) (c) 2., 3. and 4.; ***to renumber and amend*** 111.04 and 111.06 (1) (c) 1.; ***to amend*** 111.02 (3), 111.06 (1) (e), 111.06 (1) (i), 111.39 (6) and 175.05 (6); and ***to create*** 111.02 (9g), 111.04 (3) and 947.20 of the statutes; **relating to:** prohibiting as a condition of employment membership in a labor organization or payments to a labor organization and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 111.01 of the statutes is repealed.

SECTION 2. 111.02 (3) of the statutes is amended to read:

111.02 **(3)** "Collective bargaining unit" means all of the employees of one employer, employed within the state, except that where a majority of the employees engaged in a single craft, division, department or plant have voted by secret ballot as provided in s. 111.05 (2) to constitute such group a separate bargaining unit they shall be so considered, but, in appropriate cases, and to aid in the more efficient administration of ~~ss. 111.01 to 111.19~~ this subchapter, the commission may find, where agreeable to all parties affected in any way thereby, an industry, trade or business comprising more than one employer in an association in any geographical area to be a "collective bargaining unit". A collective bargaining unit thus established by the commission shall be subject to all rights by termination or modification given by ~~ss. 111.01 to 111.19~~ this subchapter in reference to collective bargaining units otherwise established under ~~ss. 111.01 to 111.19~~ this subchapter. Two or more collective bargaining units may bargain collectively through the same representative where a majority of the employees in each separate unit have voted by secret ballot as provided in s. 111.05 (2) so to do.

SECTION 3. 111.02 (9g) of the statutes is created to read:

111.02 **(9g)** "Labor organization" means any employee organization in which employees participate and that exists for the purpose, in whole or in part, of engaging in collective bargaining with any employer concerning grievances, labor disputes, wages, hours, benefits, or other terms or conditions of employment.

SECTION 4. 111.04 of the statutes is renumbered 111.04 (1) and amended to read:

111.04 **(1)** Employees shall have the right of self−organization and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection~~; and such employees~~.

(2) Employees shall ~~also~~ have the right to refrain from ~~any or all of such activities~~ self−organization; forming, joining, or assisting labor organizations; bargaining collectively through representatives; or engaging in activities for the purpose of collective bargaining or other mutual aid or protection.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 5. 111.04 (3) of the statutes is created to read:

111.04 **(3)** (a) No person may require, as a condition of obtaining or continuing employment, an individual to do any of the following:

1. Refrain or resign from membership in, voluntary affiliation with, or voluntary financial support of a labor organization.

2. Become or remain a member of a labor organization.

3. Pay any dues, fees, assessments, or other charges or expenses of any kind or amount, or provide anything of value, to a labor organization.

4. Pay to any 3rd party an amount that is in place of, equivalent to, or any portion of dues, fees, assessments, or other charges or expenses required of members of, or employees represented by, a labor organization.

(b) This subsection applies to the extent permitted under federal law. If a provision of a contract violates this subsection, that provision is void.

SECTION 6. 111.06 (1) (c) 1. of the statutes is renumbered 111.06 (1) (c) and amended to read:

111.06 **(1)** (c) To encourage or discourage membership in any labor organization, employee agency, committee, association, or representation plan by discrimination in regard to hiring, tenure, or other terms or conditions of employment ~~except in a collective bargaining unit where an all−union agreement is in effect. Any all−union agreement in effect on October 4, 1975, made in accordance with the law in effect at the time it is made is valid~~.

SECTION 7. 111.06 (1) (c) 2., 3. and 4. of the statutes are repealed.

SECTION 8. 111.06 (1) (e) of the statutes is amended to read:

111.06 **(1)** (e) To bargain collectively with the representatives of less than a majority of the employer's employees in a collective bargaining unit, or to enter into an all−union agreement ~~except in the manner provided in par. (c)~~.

SECTION 9. 111.06 (1) (i) of the statutes is amended to read:

111.06 **(1)** (i) To deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable ~~at the end of any year of its life~~ by the employee giving to the employer at least ~~thirty~~ 30 days' written notice of ~~such~~ the termination ~~unless there is an all−union agreement in effect. The employer shall give notice to the labor organization of receipt of such notice of termination~~. This paragraph applies to the extent permitted under federal law.

SECTION 10. 111.39 (6) of the statutes is amended to read:

111.39 **(6)** If an order issued under sub. (4) is unenforceable against any labor organization in which membership is a privilege, ~~the~~ an employer with whom the labor organization has an enforceable all−union ~~shop~~ agreement shall not be held accountable under this chapter ~~when~~ if the employer is not responsible for the discrimination, the unfair honesty testing, or the unfair genetic testing.

SECTION 11. 175.05 (6) of the statutes is amended to read:

175.05 **(6)** RIGHTS OF LABOR. Nothing in this section shall be construed to impair, curtail or destroy the rights of employees and their representatives to self−organization, to form, join or assist labor organization, to strike, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, under either the federal labor relations act or ~~ss. 111.01 to 111.19~~ subch. I of ch. 111.

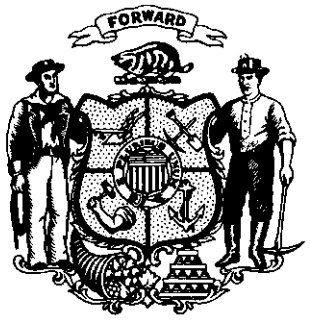
SECTION 12. 947.20 of the statutes is created to read:

947.20 Right to work. Anyone who violates s. 111.04 (3) (a) is guilty of a Class A misdemeanor.

SECTION 13. Initial applicability.

(1) This act first applies to a collective bargaining agreement containing provisions inconsistent with this act upon the renewal, modification, or extension of the agreement occurring on or after the effective date of this subsection.

State of Wisconsin



2015 Senate Bill 21

Date of enactment: **July 12, 2015**
Date of publication*: **July 13, 2015**

2015 WISCONSIN ACT 55

(Vetoed in Part)

AN ACT; **relating to:** state finances and appropriations, constituting the executive budget act of the 2015 legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2. 5.15 (1) (c) of the statutes is amended to read:

5.15 **(1)** (c) The wards established by municipal governing bodies in a division ordinance or resolution enacted or adopted under this section shall govern the adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on January 1 of the 2nd year commencing after the year of the census until revised under this section on the basis of the results of the next decennial census of population unless adjusted under sub. (2) (f) 4. or 5., (6) (a), or (7), or unless a division is required to effect an act of the legislature redistricting legislative districts under article IV, section 3, of the constitution or redistricting congressional districts. The populations of wards under each decennial ward division shall be determined on the basis of the federal decennial census and any official corrections to the census issued on or before the date of adoption of the division ordinance or resolution to reflect the correct populations of the municipality and the blocks within the municipality on April 1 of the year of the census.

SECTION 3. 5.15 (2) (f) 5. of the statutes is created to read:

5.15 **(2)** (f) 5. Territory that lies between an actual municipal boundary that existed on April 1 of the year of a federal decennial census and an intersecting municipal boundary that deviates from the actual municipal boundary on that date if the deviating boundary was used by the U.S. bureau of the census to enumerate the population of the municipality in that census.

SECTION 4. 5.15 (4) (b) of the statutes is amended to read:

5.15 **(4)** (b) Within 5 days after adoption or enactment of an ordinance or resolution under this section or any amendment thereto, the municipal clerk shall transmit one copy of the ordinance or resolution or the amendment to the county clerk of each county in which the municipality is contained, accompanied by the list and map specified in par. (a). ~~If the population of the municipality exceeds 10,000, the municipal clerk shall furnish one copy to the legislative reference bureau at the same time.~~ Each copy shall identify the name of the municipality and the county or counties in which it is located.

SECTION 5. 5.15 (4) (bg) of the statutes is created to read:

5.15 **(4)** (bg) No later than October 15 of each year following the year of a federal decennial census, each municipal clerk shall file a report with the county clerk of each county in which the municipality is contained confirming the boundaries of the municipality and of all wards in the municipality. The report shall be accompa-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

nied by a map of the municipality and a list of the block numbers of which the municipality and each ward within the municipality are comprised. Within 5 days after notice to the municipal clerk of a judgment that has the effect of changing the municipal boundaries, the clerk shall file the same report. Each report filed under this paragraph shall identify the name of the municipality and the county or counties in which it is located.

SECTION 6. 5.15 (4) (br) of the statutes is created to read:

5.15 **(4)** (br) 1. Except as provided in subd. 2., no later than January 15 and July 15 of each year, the county clerk shall transmit to the legislative technology services bureau a report confirming the boundaries of each municipality, ward, and supervisory district in the county together with a map of the county, in an electronic format approved by the legislative technology services bureau. Each report shall be current to the nearest January 1 or July 1 preceding the date of the report.

2. In each year following the year of a federal decennial census, the July report shall instead be transmitted no later than November 1 and shall be current to the date of the report. The November 1 report shall be accompanied by a list of the block numbers of which the county and each municipality and ward within the county are comprised.

SECTION 7. 5.15 (7) of the statutes is amended to read:

5.15 **(7)** If a new ~~town~~ municipality is created or if part of a ~~town~~ municipality is annexed to a city or village during a decennial period after April 1 of the year of the federal decennial census, the ~~town board~~ governing body of any ~~town~~ municipality to which territory is attached or from which territory is detached, without regard to the time provisions of sub. (1) (b), may, by ordinance or resolution, create new wards or adjust the existing wards in that ~~town~~ municipality to the extent required to reflect the change. If a municipality is consolidated with another municipality during a decennial period after April 1 of the year of the federal decennial census, the governing body of the consolidated municipality, without regard to the time provisions under sub. (1) (b), may, by ordinance or resolution, create new wards or adjust the existing wards of the municipality to the extent required to reflect the change. No ward line adjustment under this subsection may cross the boundary of a congressional, assembly, or supervisory district. ~~The~~ Within 5 days after adoption of the ordinance or resolution, the municipal clerk shall transmit copies of the ordinance or resolution making the adjustment to the county clerk in compliance with sub. (4) (b).

SECTION 12. 13.101 (6) (a) of the statutes is amended to read:

13.101 **(6)** (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, or the University of Wisconsin System, or to any other state agency or activity, by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af), (aq), (ar), and (au), 20.435 ~~(7)~~ (4) (a) and (5) (da), and 20.437 (2) (a) and (dz) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county, city, village, town, or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

SECTION 14. 13.121 (4) of the statutes is amended to read:

13.121 **(4)** INSURANCE. For the purpose of premium determinations under s. 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate equivalent to a percentage of time worked recommended for such positions by the ~~director of the office~~ administrator of the division of ~~state employment relations~~ personnel management in the department of administration and approved by the joint committee on employment relations in the same manner as compensation for such positions is determined under s. 20.923. This percentage of time worked shall be applied to the sick leave accrual rate established under s. 230.35 (2). The approved percentage shall be incorporated into the compensation plan under s. 230.12 (1).

SECTION 15. 13.123 (1) (a) 1. of the statutes is amended to read:

13.123 **(1)** (a) 1. Any member of the legislature who has signified, by affidavit filed with the department of administration, the necessity of establishing a temporary residence at the state capital for the period of any regular or special legislative session shall be entitled to an allowance for expenses incurred for food and lodging for each day that he or she is in Madison on legislative business, but not including any Saturday or Sunday unless the legislator is in actual attendance on such day at a session of the legislature or a meeting of a standing committee of which the legislator is a member. The amount of the allowance for each biennial session shall be 90% of the per diem rate for travel for federal government business within the city of Madison, as established by the federal

general services administration. For the purpose of determining the amount of the allowance, the ~~director of the office~~ administrator of the division of ~~state employment relations~~ personnel management in the department of administration shall certify to the chief clerk of each house the federal per diem rate in effect on December 1, or the first business day thereafter if December 1 is not a business day, in each even−numbered year. Each legislator shall file an affidavit with the chief clerk of his or her house certifying the specific dollar amount within the authorized allowance the member wishes to receive. Such affidavit, when filed, shall remain in effect for the biennial session.

SECTION 17. 13.20 (2) of the statutes is amended to read:

13.20 **(2)** PAY RANGES; DURATION OF EMPLOYMENT. All legislative employees shall be paid in accordance with the compensation and classification plan for employees in the classified civil service within ranges approved by the joint committee on legislative organization. The ~~director of the office of state employment relations~~ administrator of the division of personnel management in the department of administration shall make recommendations concerning a compensation and classification schedule for legislative employees if requested to do so by the joint committee on legislative organization or by the committee on organization of either house. If the joint committee does not approve pay ranges for legislative employees, the committee on organization of either house may approve pay ranges for its employees. Appointments shall be made for the legislative session, unless earlier terminated by the appointing officer.

Vetoed In Part

SECTION 29. 13.48 (3) of the statutes is amended to read:

13.48 **(3)** STATE BUILDING TRUST FUND. In the interest of the continuity of the program, the moneys appropriated to the state building trust fund under s. 20.867 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys shall be deposited into the state building trust fund. At such times as the building commission directs, or in emergency situations under s. 16.855 (16) (b), the governor shall authorize releases from this fund to become available for projects and shall direct the department of administration to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the building commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement, employment conditions and availability of materials in the locality in which the improvement is to be made. The building commission may authorize any project costing $760,000 or less in accordance with priorities to be established by the building commission and may adjust the priorities by deleting, substituting or adding new projects as needed to reflect changing program needs and unforeseen circumstances. The building commission may enter into contracts for the construction of buildings for any state agency, except a project authorized under sub. (10) (c) or (e), and shall be responsible for accounting for all funds released to projects. The building commission may designate the department of administration or the agency for which the project is constructed to act as its representative in such accounting.

Vetoed In Part

SECTION 29m. 13.48 (4) of the statutes is amended to read:

Vetoed In Part

13.48 **(4)** STATE AGENCIES TO REPORT PROPOSED PROJECTS. Whenever any state agency contemplates a project under the state building program it shall report the project to the building commission. The report shall be made on such date and in such manner as the building commission prescribes. This subsection does not apply to projects identified in sub. (10) (c) and (e).

SECTION 35m. 13.48 (10) (a) of the statutes is amended to read:

13.48 **(10)** (a) Except as provided in ~~par.~~ pars. (c) and (e), no state board, agency, officer, department, commission, or body corporate may enter into a contract for the construction, reconstruction, remodeling of, or addition to any building, structure, or facility, in connection with any building project which involves a cost in excess of $185,000 without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. This section applies to the department of transportation only in respect to buildings, structures, and facilities to be used for administrative or operating functions, including buildings, land, and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

SECTION 40m. 13.48 (10) (c) of the statutes is amended to read:

13.48 **(10)** (c) Paragraph (a) does not apply to any contract for a ~~building project involving a cost of less than $500,000 to be constructed for the University of Wisconsin System that is funded entirely from the proceeds of gifts and grants made to the system~~ UW gifts and grants project, as defined in s. 16.855 (1g) (f), that the Board of Regents of the University of Wisconsin System lets through single prime contracting under s. 16.855 (12m).

SECTION 41m. 13.48 (10) (e) of the statutes is created to read:

Vetoed In Part

13.48 **(10)** (e) Paragraph (a) does not apply to any contract for an eligible energy conservation project approved by the president of the University of Wisconsin System under s. 36.11 (26m) (b).

SECTION 42m. 13.48 (12) (b) 1. of the statutes is amended to read:

13.48 **(12)** (b) 1. A facility constructed by or for ~~corporations~~ a business entity having condemnation authority under s. 32.02 (3) to (10) and (13) for purposes for

which ~~the corporation~~ it would have condemnation authority.

Vetoed In Part

SECTION 44b. 13.48 (13) (a) of the statutes is amended to read:

13.48 **(13)** (a) Except as provided in par. (b) ~~or (c)~~ to (d), every building, structure or facility that is constructed for the benefit of or use of the state, any state agency, board, commission or department, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Economic Development Corporation, or any local professional baseball park district created under subch. III of ch. 229 if the construction is undertaken by the department of administration on behalf of the district, shall be in compliance with all applicable state laws, rules, codes and regulations but the construction is not subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.

SECTION 44m. 13.48 (13) (d) of the statutes is created to read:

13.48 **(13)** (d) The structure or facility that is to be constructed for the benefit, or use, of the state and that was first enumerated under the 2007−09 building program and last modified under the 2013−15 building program as State Transportation Building replacement — Madison is not subject to any zoning ordinance or regulation of any city, village, or town.

SECTION 47b. 13.48 (19) of the statutes is renumbered 13.48 (19) (a) and amended to read:

13.48 **(19)** (a) Whenever the building commission determines that the use of innovative types of design and construction processes will make better use of the resources and technology available in the building industry, the building commission may waive any or all of s. 16.855, except s. 16.855 (13) and (14m) (a) to (c), if ~~such~~ the action is in the best interest of the state and ~~if the waiver is accomplished through formal action of the building commission. The building commission may authorize the lease, lease purchase or acquisition of such facilities constructed in the manner authorized~~ is approved by the building commission.

Vetoed In Part

(b) Subject to the requirements of s. 20.924 (1) (i), the building commission may ~~also~~ authorize the lease ~~,~~ or lease purchase ~~or acquisition~~ of ~~existing~~ facilities in lieu of state construction of any project enumerated in the authorized state building program.

Vetoed In Part

SECTION 53. 13.48 (26) of the statutes is amended to read:

13.48 **(26)** ENVIRONMENTAL IMPROVEMENT ANNUAL FINANCE PLAN APPROVAL. The building commission shall review the versions of the biennial finance plan and any amendments to the biennial finance plan submitted to it by the department of natural resources and the department of administration under s. 281.59 (3) (bm) and the recommendations of the joint committee on finance and the standing committees to which the versions of the biennial finance plan and any amendments were submitted under s. 281.59 (3) (bm). The building commission shall consider the extent to which that version of the biennial finance plan that is updated to reflect the adopted biennial budget act will maintain the funding for the clean water fund program and the safe drinking water loan program, in the environmental improvement fund, in perpetuity. The building commission shall consider the extent to which the implementation of the clean water fund program, the safe drinking water loan program and the land recycling loan program, as set forth in the biennial finance plan updated to reflect the adopted biennial budget act, implements legislative intent on the clean water fund program, the safe drinking water loan program and the land recycling loan program. The building commission shall, no later than 60 days after the date of enactment of the biennial budget act, either approve or disapprove the biennial finance plan that is updated to reflect the adopted biennial budget act~~, except that the building commission may not disapprove those amounts that the legislature approves under s. 281.59 (3e) (a), (3m) (a) and (3s) (a)~~. If the building commission disapproves the version of the biennial finance plan that is updated to reflect the adopted biennial budget act, it must notify the department of natural resources and the department of administration of its reasons for disapproving the plan, and those departments must revise that version of the biennial finance plan and submit the revision to the building commission.

SECTION 54m. 13.48 (28m) of the statutes is created to read:

13.48 **(28m)** CARROLL UNIVERSITY. (a) The legislature finds and determines that there is a growing shortage of primary medical care workers in this state, particularly for medically underserved populations in rural and urban areas of the state, and that assisting institutions of higher education in training primary medical care workers is a statewide responsibility of statewide dimension. It is therefore in the public interest, and it is the public policy of this state, to assist Carroll University in the construction of a science laboratory facility.

(b) The building commission may authorize up to $3,000,000 in general fund supported borrowing to assist Carroll University in the construction of a science laboratory facility. The state funding commitment shall be in the form of a grant to Carroll University. Before approving any state funding commitment for construction of such a facility, the building commission shall determine that Carroll University has secured additional funding for the project of at least $23,500,000 from nonstate revenue sources.

(c) If the building commission authorizes a grant to Carroll University under par. (b), and if, for any reason, the facility that is constructed with funds from the grant is not used as a science laboratory facility, the state shall retain an ownership interest in the facility equal to the amount of the state's grant.

SECTION 54n. 13.48 (28p) of the statutes is created to read:

13.48 **(28p)** EAU CLAIRE CONFLUENCE ARTS, INC. (a) The legislature finds and determines that providing education, programming, and access to arts and culture vastly enriches the lives of the citizens of this state and is a statewide responsibility of statewide dimension. It is therefore in the public interest, and it is the public policy of this state, to assist Eau Claire Confluence Arts, Inc., in the construction of a regional arts center in Eau Claire County.

(b) The building commission may authorize up to $15,000,000 in general fund supported borrowing to assist Eau Claire Confluence Arts, Inc., in the construction of a regional arts center in Eau Claire County. The state funding commitment shall be in the form of a grant to Eau Claire Confluence Arts, Inc. Before approving any state funding commitment for construction of such a center, the building commission shall determine that Eau Claire Confluence Arts, Inc., has secured additional funding for the project from nonstate revenue sources at least equal to the state's grant.

(c) If the building commission authorizes a grant to the Eau Claire Confluence Arts, Inc., under par. (b), and if, for any reason, the center that is constructed with funds from the grant is not used as a regional arts center, the state shall retain an ownership interest in the center equal to the amount of the state's grant.

SECTION 54o. 13.48 (28r) of the statutes is created to read:

13.48 **(28r)** WISCONSIN AGRICULTURE EDUCATION CENTER, INC. (a) The legislature finds and determines that educating the citizens of this state on where our food comes from and its impact on our lives, and that promoting the dairy and agriculture industries of this state is a statewide responsibility of statewide dimension. It is therefore in the public interest, and it is the public policy of this state, to assist the Wisconsin Agriculture Education Center, Inc., in the construction of an agriculture education center in Manitowoc County.

(b) The building commission may authorize up to $5,000,000 in general fund supported borrowing to assist the Wisconsin Agriculture Education Center, Inc., in the construction of an agriculture education center in Manitowoc County. The state funding commitment shall be in the form of a grant to the Wisconsin Agriculture Education Center, Inc. Before approving any state funding commitment for construction of such a center, the building commission shall determine that the Wisconsin Agriculture Education Center, Inc., has secured additional funding for the project of at least $6,626,800 from nonstate revenue sources.

(c) If the building commission authorizes a grant to the Wisconsin Agriculture Education Center, Inc., under par. (b), and if, for any reason, the center that is constructed with funds from the grant is not used as an agriculture education center, the state shall retain an ownership interest in the center equal to the amount of the state's grant.

SECTION 55m. 13.48 (29) of the statutes is amended to read: **Vetoed In Part**

13.48 **(29)** SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m), the building commission may prescribe simplified policies and procedures to be used in lieu of the procedures provided in s. 16.855 for any project that does not require prior approval of the building commission under sub. (10) (a), except projects specified in sub. (10) (c) and (e).

SECTION 56d. 13.48 (32) (b) (intro.) of the statutes is amended to read:

13.48 **(32)** (b) (intro.) The building commission may authorize up to ~~$23,000,000~~ $25,000,000 of general fund supported borrowing to aid in the construction of a dental clinic and education facility at Marquette University. The state funding commitment for the construction of the facility shall be in the form of a construction grant to Marquette University. Before approving any state funding commitment for such a facility and before awarding the construction grant to Marquette University, the building commission shall determine that all of the following conditions have been met:

SECTION 56f. 13.48 (32) (b) 1. of the statutes is amended to read:

13.48 **(32)** (b) 1. Marquette University has secured additional funding commitments of at least ~~$23,000,000~~ $25,000,000 from nonstate revenue sources, the nonstate revenue sources are reasonable and available and the total funding commitments of the state and the nonstate sources will permit Marquette University to enter into contracts for the construction of the dental clinic and education facility.

SECTION 56h. 13.48 (33) of the statutes is repealed.

SECTION 56k. 13.48 (36) (title) and (a) of the statutes are amended to read:

13.48 **(36)** (title) HMONG CULTURAL ~~CENTERS~~ CENTER. (a) The legislature finds and determines that a significant number of Hmong people are citizens of this state, that the Hmong people have a proud heritage that needs to be recognized and preserved, and that the Hmong people have experienced difficulties assimilating in this state. The legislature finds that supporting the Hmong people in their efforts to recognize their heritage and to realize the full advantages of citizenship in this state is a statewide responsibility of statewide dimension. Because it will better ensure that the heritage of the Hmong people is preserved and will better enable the Hmong people to

realize the full advantages of citizenship in this state, the legislature finds that it will have a direct and immediate effect on a matter of statewide concern for the state to facilitate the purchase or construction and operation of a Hmong cultural ~~centers~~ center.

SECTION 56m. 13.48 (36) (b) of the statutes is repealed.

SECTION 56s. 13.48 (39h) of the statutes is repealed.

SECTION 57b. 13.489 (5) (a) 1. of the statutes is amended to read:

13.489 **(5)** (a) 1. Summarizes the current status of each project submitted by the department that is under consideration by the commission under s. 13.489, including any project approved by the commission under sub. (1m) (d), and of each project enumerated under s. 84.013 (3) or 84.0145 (3) (b) or approved under s. 84.013 (6).

SECTION 63m. 13.94 (intro.) of the statutes is amended to read:

13.94 Legislative audit bureau. (intro.) There is created a bureau to be known as the "Legislative Audit Bureau," headed by a chief known as the "State Auditor." The bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of any audit currently being performed. Subject to s. 230.35 (4) (a) and (f), the state auditor or designated employees shall at all times with or without notice have access to all departments and to any books, records or other documents maintained by the departments and relating to their expenditures, revenues, operations and structure, including specifically any such books, records, or other documents that are confidential by law, except as provided in sub. (4) and except that access to documents of counties, cities, villages, towns or school districts is limited to work performed in connection with audits authorized under sub. (1) (m) and except that access to documents of the opportunity schools and partnership programs under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119 is limited to work performed in connection with audits authorized under sub. (1) (os). In the discharge of any duty imposed by law, the state auditor may subpoena witnesses, administer oaths and take testimony and cause the deposition of witnesses to be taken as prescribed for taking depositions in civil actions in circuit courts.

SECTION 64m. 13.94 (1) (b) of the statutes is amended to read:

13.94 **(1)** (b) At the state auditor's discretion or as the joint legislative audit committee directs, audit the records of each department. Audits of the records of a county, city, village, town, or school district may be performed only as provided in par. (m). Audits of the records of the opportunity schools and partnership programs under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119 may be performed only as provided in par. (os). After completion of any audit under this paragraph, the bureau shall file with the chief clerk of each house of the legislature, the governor, the department of administration, the legislative reference bureau, the joint committee on finance, the legislative fiscal bureau, and the department audited, a detailed report of the audit, including the bureau's recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures. The chief clerks shall distribute the report to the joint legislative audit committee, the appropriate standing committees of the legislature, and the joint committee on legislative organization.

SECTION 65. 13.94 (1) (dL) of the statutes is amended to read:

13.94 **(1)** (dL) Annually, conduct a financial audit of the ~~governor's~~ read to lead development fund. The legislative audit bureau shall file a copy of the report of the audit under this paragraph with the distributees specified in par. (b).

SECTION 65b. 13.94 (1) (dL) of the statutes, as affected by 2015 Wisconsin Act .... (this act), is repealed. **Vetoed In Part**

SECTION 65n. 13.94 (1) (dp) of the statutes is amended to read:

13.94 **(1)** (dp) In addition to any other audit to be performed under this section relating to veterans homes, perform one or more financial audits of the operation of the Wisconsin Veterans Home at Chippewa Falls by any private entity with which the department of veterans affairs enters into an agreement under s. 45.50 (2m) (c). The audit shall be performed at such time as the ~~governor or~~ legislature directs.

SECTION 66d. 13.94 (1) (e) of the statutes is amended to read:

13.94 **(1)** (e) Make such special examinations of the accounts and financial transactions of any department, agency or officer as the ~~governor,~~ legislature, joint legislative audit committee or joint committee on legislative organization directs. ~~If the governor directs that such an examination be conducted, the order from the governor shall provide for reimbursement of the legislative audit bureau's costs in making the examination from the appropriation under s. 20.525 (1) (a). No order from the governor for an examination under this paragraph may take precedence over an examination already scheduled by the legislative audit bureau without approval of the joint legislative audit committee.~~ Examinations of the accounts and transactions of a county, city, village, town, or, subject to par. (os), of a school district, may be performed only as authorized in par. (m).

SECTION 67g. 13.94 (1) (os) of the statutes is created to read:

13.94 **(1)** (os) Beginning in 2017, and biennially thereafter, prepare a performance evaluation audit of the opportunity schools and partnership programs under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119. The legislative audit bureau shall file a copy of the report of the audit under this paragraph with the distributees specified in par. (b).

SECTION 67r. 13.94 (1s) (a) of the statutes is amended to read:

13.94 **(1s)** (a) Except as otherwise provided in par. (c), the legislative audit bureau may charge any department for the reasonable cost of auditing services performed at the request of a department or at the request of the federal government that the bureau is not required to perform under sub. (1) (b) or (c) or any other law. This paragraph does not apply to counties, cities, villages, towns, or school districts or to the opportunity schools and partnership programs under sub. (1) (os).

SECTION 75. 13.96 (1) of the statutes is renumbered 13.96 (1) (intro.) and amended to read:

13.96 **(1)** DUTIES OF THE STAFF. (intro.) The legislative technology services bureau shall ~~provide~~:

(a) Provide and coordinate information technology support and services to the legislative branch.

SECTION 76. 13.96 (1) (b) of the statutes is created to read:

13.96 **(1)** (b) Upon receipt of municipal boundary information at each reporting interval under s. 5.15 (4) (bg), reconcile and compile the information received to produce a statewide data base consisting of municipal boundary information for the entire state.

SECTION 77. 13.96 (1) (c) of the statutes is created to read:

13.96 **(1)** (c) Participate, on behalf of this state, in geographic boundary information programs when offered by the U.S. bureau of the census.

SECTION 77m. 14.017 (3) of the statutes is repealed.

SECTION 78. 14.017 (5) (title) of the statutes is renumbered 15.207 (3) (title).

SECTION 79. 14.017 (5) (a) (intro.) of the statutes is renumbered 15.207 (3) (intro.) and amended to read:

15.207 **(3)** (intro.) There is created in the ~~office of the governor~~ department of children and families a read to lead development council consisting of all of the following:

SECTION 80. 14.017 (5) (a) 1. of the statutes is renumbered 15.207 (3) (a) and amended to read:

15.207 **(3)** (a) The ~~governor~~ secretary of children and families or his or her designee, who shall serve as chairperson of the council.

SECTION 81. 14.017 (5) (a) 2. of the statutes is renumbered 15.207 (3) (b).

SECTION 82. 14.017 (5) (a) 3. of the statutes is renumbered 15.207 (3) (c).

SECTION 83. 14.017 (5) (a) 4. of the statutes is renumbered 15.207 (3) (d) and amended to read:

15.207 **(3)** (d) The ranking minority members of each of the committees under ~~subd. 3.~~ par. (c) or members of those committees designated by the ranking minority members.

SECTION 84. 14.017 (5) (a) 5. (intro.) of the statutes is renumbered 15.207 (3) (e) (intro.) and amended to read:

15.207 **(3)** (e) (intro.) The following members appointed by the ~~governor~~ secretary of children and families for 3−year terms:

SECTION 85. 14.017 (5) (a) 5. a. to k. of the statutes are renumbered 15.207 (3) (e) 1. to 11.

SECTION 86. 14.017 (5) (b) of the statutes is repealed.

SECTION 87. 14.065 of the statutes is repealed.

SECTION 88. 14.20 (title) of the statutes is renumbered 48.53 (title).

SECTION 89. 14.20 (1) of the statutes is renumbered 48.53 (1).

SECTION 90. 14.20 (1m) of the statutes is renumbered 48.53 (2) and amended to read:

48.53 **(2)** The council shall make recommendations to the ~~governor~~ secretary and state superintendent regarding recipients of grants under sub. ~~(2)~~ (3). The amount of each grant awarded shall be determined jointly by the ~~governor~~ secretary and the state superintendent. In addition to reports required under s. 15.09 (7), annually the council shall submit a report on its operation to the appropriate standing committees of the legislature under s. 13.172 (3).

SECTION 91b. 14.20 (2) (a) of the statutes is renumbered 48.53 (3) (a) (intro.) and amended to read:

48.53 **(3)** (a) (intro.) From the appropriation under s. ~~20.525 (1) (f)~~ 20.437 (1) (fm), the ~~governor~~ secretary may award ~~a~~ all of the following:

1. A grant to any person other than a school board for support of a literacy ~~improvement~~ or early childhood development program.

SECTION 92. 14.20 (2) (b) of the statutes is renumbered 48.53 (3) (b) and amended to read:

48.53 **(3)** (b) From the appropriation under s. ~~20.525~~ 20.437 (1) (q), the ~~governor~~ secretary may award a grant to any person other than a school board for support of a literacy or early childhood development program.

SECTION 93. 14.20 (2) (c) of the statutes is renumbered 48.53 (3) (c).

SECTION 93m. 14.23 of the statutes is repealed.

SECTION 94m. 14.38 (10) of the statutes is repealed.

SECTION 95m. 14.40 (1) of the statutes is amended to read:

14.40 **(1)** Annually not later than July 1, each legislative, administrative and judicial agency of the state government shall submit to the secretary of state a list of all positions within that agency outside the classified service and above the clerical level, excluding the faculties under the jurisdiction of the board of regents of the University of Wisconsin System and the department of public instruction, and excluding university staff, as defined in s. 36.05 (15), which are filled by appointment, and the term if there is one, together with the name of the incumbent and the date of his or her appointment.

SECTION 96. 14.46 of the statutes is repealed.

SECTION 96j. 14.49 of the statutes is created to read:

14.49 Office space. The office of the secretary of state shall be accessible to the public. That office may not be located in the same room as the office of any other member of the board of commissioners of public lands.

SECTION 97. 14.58 (1) (a) of the statutes is amended to read:

14.58 **(1)** (a) By the state treasurer personally~~;~~.

SECTION 98. 14.58 (1) (b) of the statutes is repealed.

SECTION 99. 14.58 (1) (c) of the statutes is amended to read:

14.58 **(1)** (c) In the name of the state treasurer, by any clerk in the treasurer's office designated by the treasurer~~;~~ ~~or~~.

SECTION 100. 14.62 of the statutes is repealed.

SECTION 100m. 15.01 (4) of the statutes is amended to read:

15.01 **(4)** "Council" means a part−time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except ~~the Milwaukee River revitalization council has the powers and duties specified in s. 23.18,~~ the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24, and the electronic recording council has the powers and duties specified in s. 706.25 (4).

SECTION 103e. 15.06 (1) (c) of the statutes is created to read:

15.06 **(1)** (c) 1. Each commissioner of the public service commission shall be nominated by the governor, and with the advice and consent of the senate appointed, for a 6−year term expiring on March 1 of the odd−numbered years.

2. The governor shall appoint an individual who is a commissioner of the public service commission to the office of chairperson of the commission for a 2−year term expiring on March 1 of each odd−numbered year. Upon expiration of that term, if the individual's appointment under subd. 1. has not expired, the individual shall resume his or her appointment as commissioner for a term expiring on the same date as the expiration of the individual's term of appointment under subd. 1.

SECTION 103m. 15.06 (2) of the statutes is amended to read:

15.06 **(2)** SELECTION OF OFFICERS. Each commission may annually elect officers other than a chairperson from among its members as its work requires. Any officer may be reappointed or reelected. At the time of making new nominations to commissions, the governor shall designate a member or nominee of each commission, other than the public service commission, to serve as the commission's chairperson for a 2−year term expiring on March 1 of the odd−numbered year except that the labor and industry review commission shall elect one of its members to serve as the commission's chairperson for a 2−year term expiring on March 1 of the odd−numbered year.

SECTION 103s. 15.06 (4m) of the statutes is amended to read:

15.06 **(4m)** EXECUTIVE ASSISTANT. ~~Each~~ The chairperson and each commissioner of the public service commission may appoint an executive assistant to serve at his or her pleasure outside the classified service. The executive assistant shall perform duties as the chairperson or commissioner prescribes.

SECTION 104. 15.07 (1) (b) 15. of the statutes is amended to read:

15.07 **(1)** (b) 15. The 3 members of the lower Wisconsin state riverway board appointed under s. ~~15.445 (3)~~ 15.345 (8) (b) 7.

SECTION 105d. 15.07 (1) (b) 24. of the statutes is created to read: **Vetoed In Part**

15.07 **(1)** (b) 24. The group insurance board.

SECTION 108g. 15.07 (2) (L) of the statutes is repealed.

SECTION 108j. 15.07 (2) (n) of the statutes is repealed.

SECTION 108r. 15.07 (3) (bm) 4. of the statutes is repealed.

SECTION 116. 15.103 (6m) of the statutes is created to read:

15.103 **(6m)** DIVISION OF PERSONNEL MANAGEMENT. There is created in the department of administration a division of personnel management. The administrator shall serve at the pleasure of the secretary of administration.

SECTION 117. 15.105 (title) of the statutes is amended to read:

15.105 (title) **Same; attached boards, commissions, bureaus, and offices.**

SECTION 118. 15.105 (6) of the statutes is created to read:

15.105 **(6)** BUREAU OF MERIT RECRUITMENT AND SELECTION. There is created in the division of personnel management in the department of administration a bureau of merit recruitment and selection. The director of the bureau shall serve at the pleasure of the secretary of administration.

SECTION 119. 15.105 (6m) of the statutes is created to read:

15.105 **(6m)** STATE EMPLOYEES SUGGESTION BOARD. There is created in the department of administration a state employees suggestion board consisting of 3 persons, at least one of whom shall be a state officer or employee, appointed for 4−year terms.

SECTION 120g. 15.105 (26) of the statutes is repealed.

SECTION 120r. 15.105 (28) of the statutes is repealed.

SECTION 121. 15.105 (29) of the statutes is repealed.

SECTION 125. 15.107 (3) of the statutes is created to read:

15.107 **(3)** COUNCIL ON AFFIRMATIVE ACTION. There is created in the division of personnel management in the department of administration a council on affirmative action consisting of 15 members appointed for 3−year terms. A majority of members shall be public members and a majority of members shall be minority persons, women, or persons with disabilities, appointed with consideration to the appropriate representation of each group. The president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly each shall appoint one member and the remaining members shall be appointed by the governor.

SECTION 125m. 15.107 (5) of the statutes is repealed.

SECTION 126m. 15.107 (17) of the statutes is repealed.

SECTION 128. 15.135 (5) (title) of the statutes is created to read:

15.135 **(5)** (title) VETERINARY EXAMINING BOARD.

Vetoed In Part

SECTION 132m. 15.137 (4) of the statutes is created to read:

15.137 **(4)** FOOD SAFETY ADVISORY COUNCIL. There is created in the department of agriculture, trade and consumer protection a food safety advisory council. The secretary of agriculture, trade and consumer protection shall appoint to the council members reflecting a broad representation of the persons regulated under subch. II of ch. 97, to serve at the pleasure of the secretary. The council shall meet at least quarterly. The council shall advise the secretary of agriculture, trade and consumer protection on all aspects of food safety, including the fees charged to the persons regulated under subch. II of ch. 97.

SECTION 135. 15.16 (1) (intro.) of the statutes is amended to read:

15.16 **(1)** EMPLOYEE TRUST FUNDS BOARD. (intro.) The employee trust funds board shall consist of the governor or the governor's designee on the group insurance board, the ~~director of the office~~ administrator of the division of ~~state employment relations~~ personnel management in the department of administration or the ~~director's~~ administrator's designee and 11 persons appointed or elected for 4−year terms as follows:

Vetoed In Part

SECTION 136d. 15.165 (2) of the statutes is repealed and recreated to read:

15.165 **(2)** GROUP INSURANCE BOARD. There is created in the department of employee trust funds a group insurance board. The board shall consist of the following members:

(a) The governor or his or her designee.

(b) The attorney general or his or her designee.

(c) The secretary of administration or his or her designee.

(d) The administrator of the division of personnel management in the department of administration or his or her designee.

Vetoed In Part

(e) The commissioner of insurance or his or her designee.

(f) One representative to the assembly appointed by the speaker of the assembly.

(g) One representative to the assembly appointed by the minority leader of the assembly.

(h) One senator appointed by the majority leader of the senate.

(i) One senator appointed by the minority leader of the senate.

(j) Six persons appointed for 2−year terms, of whom one shall be an insured participant in the Wisconsin Retirement System who is not a teacher, one shall be an insured participant in the Wisconsin Retirement System who is a teacher, one shall be an insured participant in the Wisconsin Retirement System who is a retired employee, one shall be an insured employee of a local unit of government, and one shall be the chief executive or a member of the governing body of a local unit of government that is a participating employer in the Wisconsin Retirement System.

SECTION 146m. 15.225 (1) of the statutes is renumbered 15.105 (15) and amended to read:

15.105 **(15)** LABOR AND INDUSTRY REVIEW COMMISSION. There is created a labor and industry review commission which is attached to the department of ~~workforce development~~ administration under s. 15.03, except the budget of the labor and industry review commission shall be transmitted by the department to the governor without change or modification by the department, unless agreed to by the labor and industry review commission. The governor shall appoint an individual to serve at the pleasure of the governor as general counsel for the commission.

SECTION 148m. 15.227 (17) of the statutes is repealed.

SECTION 157m. 15.345 (6) of the statutes is repealed.

SECTION 161m. 15.347 (15) of the statutes is repealed.

SECTION 175. 15.405 (5g) of the statutes is amended to read:

15.405 **(5g)** CONTROLLED SUBSTANCES BOARD. There is created in the department of safety and professional services a controlled substances board consisting of the attorney general, the secretary of health services, and the secretary of agriculture, trade and consumer protection, or their designees; the chairperson of the pharmacy examining board, the chairperson of the medical examining board, the chairperson of the dentistry examining board, and the chairperson of the board of nursing, or a designee; and one psychiatrist and one pharmacologist appointed for 3−year terms.

SECTION 190. 15.405 (12) of the statutes is renumbered 15.135 (5) (a) (intro.) and amended to read:

15.135 **(5)** (a) ~~VETERINARY EXAMINING BOARD.~~ (intro.) There is created a veterinary examining board in the department of ~~safety and professional services~~ agriculture, trade and consumer protection. The veterinary examining board shall consist of the following 8 members appointed for staggered 4−year terms~~.~~:

1. Five ~~of the members shall be licensed~~ veterinarians licensed in this state.

2. One ~~member shall be a~~ veterinary technician certified in this state.

3. Two ~~members shall be~~ public members.

(b) No member of the examining board may in any way be financially interested in any school having a veterinary department or a course of study in veterinary or animal technology.

SECTION 203p. 15.407 (3) of the statutes is repealed.

SECTION 205p. 15.407 (6) of the statutes is repealed.

SECTION 207p. 15.407 (8) of the statutes is repealed.

SECTION 211p. 15.407 (12) of the statutes is repealed.

SECTION 219. 15.445 (3) of the statutes is renumbered 15.345 (8), and 15.345 (8) (a), as renumbered, is amended to read:

15.345 **(8)** (a) There is created a lower Wisconsin state riverway board, which is attached to the department of ~~tourism~~ natural resources under s. 15.03.

SECTION 222m. 15.707 of the statutes is repealed.

SECTION 223g. 15.79 (1) of the statutes is amended to read:

15.79 **(1)** There is created a public service commission~~. No member of the commission~~ consisting of one chairperson and 2 commissioners. The chairperson and any commissioner may not have a financial interest in a railroad, water carrier, or public utility. If ~~any member~~ the chairperson or a commissioner voluntarily becomes so interested, the ~~member's~~ chairperson's or commissioner's office shall become vacant. If the ~~member~~ chairperson or commissioner involuntarily becomes so interested, the ~~member's~~ chairperson's or commissioner's office shall become vacant unless the ~~member~~ chairperson or commissioner divests himself or herself of the interest within a reasonable time. ~~Each~~ The chairperson and each commissioner shall hold office until a successor is appointed and qualified.

SECTION 223r. 15.79 (2) (intro.) of the statutes is amended to read:

15.79 **(2)** (intro.) ~~A~~ The chairperson and each commissioner of the public service commission may not do any of the following:

SECTION 228. 15.915 (6) of the statutes is repealed.

SECTION 233. 16.003 (2) of the statutes is amended to read:

16.003 **(2)** STAFF. Except as provided in ss. 16.548, ~~16.57,~~ 978.03 (1), (1m) and (2), 978.04 and 978.05 (8) (b), the secretary shall appoint the staff necessary for performing the duties of the department. All staff shall be appointed under the classified service except as otherwise provided by law.

SECTION 236. 16.004 (7) (a) of the statutes is amended to read:

16.004 **(7)** (a) The secretary shall establish and maintain a personnel management information system which shall be used to furnish the governor, the legislature and the ~~office~~ division of ~~state employment relations~~ personnel management in the department with current information pertaining to authorized positions, payroll and related items for all civil service employees, except employees of the office of the governor, the courts and judicial branch agencies, and the legislature and legislative service agencies. It is the intent of the legislature that the University of Wisconsin System provide position and other information to the department and the legislature, which includes appropriate data on each position, facilitates accountability for each authorized position and traces each position over time. Nothing in this paragraph may be interpreted as limiting the authority of the board of regents of the University of Wisconsin System to allocate and reallocate positions by funding source within the legally authorized levels.

SECTION 239r. 16.004 (13) of the statutes is created to read: **Vetoed In Part**

16.004 **(13)** AMORTIZATION SCHEDULE FOR COMMERCIAL PAPER PRINCIPAL. (a) In this subsection, "short−term commercial paper program" means a short−term, general obligation debt issued in lieu of long−term, state general obligation debt.

(b) The secretary shall establish an amortization schedule for the repayment of principal repayment on short−term commercial paper programs so that a uniform portion of the principal amount of the obligation is planned to be retired annually.

SECTION 240. 16.004 (16) of the statutes is repealed.

SECTION 247m. 16.02 of the statutes is repealed.

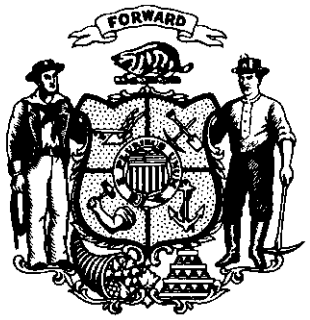
SECTION 251. 16.08 of the statutes is repealed.

SECTION 254b. 16.25 (1) (a) of the statutes is repealed.

SECTION 254d. 16.25 (2) of the statutes is amended to read:

16.25 **(2)** The ~~board shall establish by rule~~ department shall administer a program to provide length−of−service awards, described in 26 USC 457 (e) (11), to volunteer fire fighters in municipalities that operate volunteer fire departments or that contract with volunteer fire companies organized under ch. 181 or 213, to first responders in any municipality that authorizes first responders to provide first responder services, and to volunteer emergency medical technicians in any municipality that authorizes volunteer emergency medical technicians to provide emergency medical technical services in the municipality. To the extent permitted by federal law, the ~~board shall design~~ department shall administer the

State of Wisconsin



Date of enactment: **August 12, 2015**

2015 Senate Bill 209

Date of publication*: **August 13, 2015**

2015 WISCONSIN ACT 60

AN ACT ***to repeal*** 16.004 (21), 16.004 (22), 20.855 (4) (cr), 20.855 (4) (cy), 20.855 (4) (dr), 66.0615 (1m) (f) 4., 77.983, 77.992, 79.035 (6), 232.07 (1) and 345.28 (4) (g); ***to renumber*** 229.47; ***to renumber and amend*** 229.42 (4) (f) and 232.07 (2); ***to amend*** 24.605, 24.61 (2) (cm) (intro.), 24.62 (3), 24.67 (1) (intro.), 24.67 (3), 66.0603 (1g) (a), 66.1105 (2) (f) 1. (intro.), 66.1105 (2) (f) 2. (intro.), 70.11 (37), 77.22 (1), 77.98 (3), 77.982 (3), 79.035 (5), 229.26 (4), 229.26 (4m), 229.26 (10), 229.41 (12), 229.42 (4) (intro.), 229.42 (4) (d), 229.42 (4) (e), 229.435, 229.44 (4) (intro.), 229.44 (4) (a), 229.44 (4) (b), 229.44 (4) (c), 229.44 (4) (d), 229.44 (5), 229.44 (6), 229.477, 229.48 (1) (intro.), 229.48 (1) (a), 229.48 (1) (b), 229.48 (1) (c), 229.48 (1) (d), 229.48 (1) (e), 229.48 (1m), 229.48 (2), 229.50 (1) (a) (intro.), 229.50 (1) (d), 229.50 (1) (f), 229.50 (7), 232.05 (3) (a), 232.05 (3) (b), 345.28 (2) (c), 345.37 (intro.), 846.16 (1) and 846.17; ***to repeal and recreate*** 24.61 (2) (a) and 79.035 (5); and ***to create*** 16.004 (21), 16.004 (22), 16.58 (3), 20.855 (4) (cr), 20.855 (4) (cy), 20.855 (4) (dr), 24.60 (2m) (e), 24.61 (3) (a) 14., 24.66 (3y), 24.67 (1) (q), 24.718, 66.1105 (2) (f) 1. p., 66.1105 (9) (a) 10., 66.1105 (17) (d), 71.05 (1) (c) 6p., 71.26 (1m) (n), 77.54 (62), 77.98 (4), 79.035 (6), 229.40, 229.41 (9e), 229.41 (11e), 229.41 (11g), 229.42 (4) (f) 2., 229.42 (4) (g), 229.42 (4) (h), 229.42 (4e), 229.42 (7) (b) 1m., 229.44 (4) (f), 229.445, 229.461, 229.47 (2), 229.48 (7), 229.54, 232.05 (2) (h), 342.41, 345.28 (2) (d), 349.13 (1d), 349.132, 846.16 (3) and 846.167 of the statutes; **relating to:** constructing a sports and entertainment arena and related facilities and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.004 (21) of the statutes is created to read:

16.004 **(21)** PAYMENT TO LOCAL EXPOSITION DISTRICT. (a) Annually, as grants, the secretary shall remit the amounts appropriated under s. 20.855 (4) (cr) and (dr) to a local exposition district created under subch. II of ch. 229 to assist in the development and construction of sports and entertainment arena facilities, as defined in s. 229.41 (11g). The secretary may not remit moneys under this subsection until the secretary has determined that the sponsoring municipality has provided at least $47,000,000 for the development and construction of sports and entertainment arena facilities and the local exposition district has issued debt to fund the development and construction of sports and entertainment arena facilities. The secretary may not remit from the appropriation account under s. 20.855 (4) (dr) to a local exposition district more than a cumulative total of $80,000,000.

(b) The legislature finds and determines that sports and entertainment arena facilities, as defined in s. 229.41 (11g), encourage economic development and tourism in this state, reduce unemployment in this state, preserve business activities within this state, and bring needed capital into this state for the benefit and welfare of people throughout the state. It is therefore in the public interest and will serve a public purpose, and it is the public policy of this state, to assist a local exposition district in the

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

development and construction of sports and entertainment arena facilities under subch. II of ch. 229.

SECTION 2. 16.004 (21) of the statutes, as created by 2015 Wisconsin Act .... (this act), is repealed.

SECTION 3. 16.004 (22) of the statutes is created to read:

16.004 **(22)** PAYMENT TO BRADLEY CENTER SPORTS AND ENTERTAINMENT CORPORATION. During the 2015−17 fiscal biennium, from the appropriation under s. 20.855 (4) (cy), the secretary may make one or more grants to the Bradley Center Sports and Entertainment Corporation, created under ch. 232, for the purpose of assisting the corporation in retiring its obligations and any contractual liabilities.

SECTION 4. 16.004 (22) of the statutes, as created by 2015 Wisconsin Act .... (this act), is repealed.

SECTION 5. 16.58 (3) of the statutes is created to read:

16.58 **(3)** The department may provide financial consulting services to a local exposition district created under subch. II of ch. 229.

SECTION 6. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2015−16	2016−17
20.855	**Miscellaneous appropriations**				
(4)	TAX, ASSISTANCE AND TRANSFER PAYMENTS				
(cr)	Transfer to local exposition district	GPR	A	−0−	4,000,000
(cy)	Payment to Bradley Center Sports and Entertainment Corporation	GPR	B	10,000,000	−0−
(dr)	Transfer to local exposition district	GPR	A	−0−	4,000,000

SECTION 9. 20.855 (4) (cr) of the statutes is created to read:

20.855 **(4)** (cr) *Transfer to local exposition district.* The amounts in the schedule to make payments to a local exposition district under s. 16.004 (21) (a).

SECTION 10. 20.855 (4) (cr) of the statutes, as created by 2015 Wisconsin Act .... (this act), is repealed.

SECTION 11. 20.855 (4) (cy) of the statutes is created to read:

20.855 **(4)** (cy) *Payment to Bradley Center Sports and Entertainment Corporation.* Biennially, the amounts in the schedule for the payment of grants to the Bradley Center Sports and Entertainment Corporation under s. 16.004 (22).

SECTION 12. 20.855 (4) (cy) of the statutes, as created by 2015 Wisconsin Act .... (this act), is repealed.

SECTION 13. 20.855 (4) (dr) of the statutes is created to read:

20.855 **(4)** (dr) *Transfer to local exposition district.* The amounts in the schedule to make payments to a local exposition district under s. 16.004 (21) (a).

SECTION 14. 20.855 (4) (dr) of the statutes, as created by 2015 Wisconsin Act .... (this act), is repealed.

SECTION 15. 24.60 (2m) (e) of the statutes is created to read:

24.60 **(2m)** (e) It is made to a local exposition district created under subch. II of ch. 229 for the purpose of financing acquisition, construction, and equipment costs for sports and entertainment arena facilities, as defined in s. 229.41 (11g), and is secured by district revenues.

SECTION 16. 24.605 of the statutes is amended to read:

24.605 Accounts in trust funds for deposit of proceeds from sale of certain lands. The board shall establish in each of the trust funds an account to which are credited the proceeds from the sale of any public lands on or after May 3, 2006, that are required by law to be deposited in the funds. Moneys credited to the accounts in the funds may only be used to invest in land under s. 24.61 (2) (a) ~~10.~~ and for the payment of expenses necessarily related to investing in land under s. 24.61 (2) (a) ~~10~~.

SECTION 17. 24.61 (2) (a) of the statutes is repealed and recreated to read:

24.61 **(2)** (a) *Authorized investments by board.* The board shall manage and invest moneys belonging to the trust funds in good faith and with the care an ordinary prudent person in a like position would exercise under similar circumstances, in accordance with s. 112.11 (3).

SECTION 18. 24.61 (2) (cm) (intro.) of the statutes is amended to read:

24.61 **(2)** (cm) *Investments in land in this state.* (intro.) The board may not invest moneys in the purchase of any land under par. (a) ~~10.~~ unless all of the following occur:

SECTION 19. 24.61 (3) (a) 14. of the statutes is created to read:

24.61 **(3)** (a) 14. A local exposition district created under subch. II of ch. 229 for the purpose of financing acquisition, construction, and equipment costs for sports and entertainment arena facilities, as defined in s. 229.41 (11g).

SECTION 20. 24.62 (3) of the statutes is amended to read:

24.62 **(3)** If any land purchased under s. 24.61 (2) (a) ~~10.~~ was at the time of purchase subject to assessment or levy of a real property tax, the board shall make annual payments in lieu of property taxes from the proceeds from the sale of timber or from appropriate trust fund incomes to the appropriate local governmental unit in an amount equal to property taxes levied on the land in the

year prior to the year in which the board purchased the land.

SECTION 21. 24.66 (3y) of the statutes is created to read:

24.66 **(3y)** LOCAL EXPOSITION DISTRICT. An application for a loan by a local exposition district created under subch. II of ch. 229 shall be accompanied by a certified copy of a resolution of the district board of the local exposition district approving the loan.

SECTION 22. 24.67 (1) (intro.) of the statutes is amended to read:

24.67 **(1)** (intro.) If the board approves the application, it shall cause certificates of indebtedness to be prepared in proper form and transmitted to the municipality, cooperative educational service agency, local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, or federated public library system submitting the application. The certificate of indebtedness shall be executed and signed:

SECTION 23. 24.67 (1) (q) of the statutes is created to read:

24.67 **(1)** (q) For a local exposition district created under subch. II of ch. 229, by the chairperson of the district board.

SECTION 24. 24.67 (3) of the statutes is amended to read:

24.67 **(3)** If a municipality has acted under subs. (1) and (2), it shall certify that fact to the board. Upon receiving a certification from a municipality, or upon direction of the board if a loan is made to a cooperative educational service agency, drainage district created under ch. 88, local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, or ~~a~~ federated public library system, the board shall disburse the loan amount, payable to the treasurer of the municipality, cooperative educational service agency, drainage district, or federated public library system making the loan or as the treasurer of the municipality, cooperative educational service agency, drainage district, local exposition district, local professional baseball park district, or federated public library system directs. The certificate of indebtedness shall then be conclusive evidence of the validity of the indebtedness and that all the requirements of law concerning the application for the making and acceptance of the loan have been complied with.

SECTION 25. 24.718 of the statutes is created to read:

24.718 Collections from local exposition districts. (1) APPLICABILITY. This section applies to all outstanding trust fund loans to local exposition districts created under subch. II of ch. 229.

(2) CERTIFIED STATEMENT. If a local exposition district has a state trust fund loan, the board shall transmit to the local exposition district board a certified statement of the amount due on or before October 1 of each year until the loan is paid. The board shall furnish a copy of each certified statement to the department of administration.

(3) PAYMENT TO BOARD. The local exposition district board shall remit to the board on its own order the full amount due for state trust fund loans within 15 days after March 15. Any payment not made by March 30 is delinquent and is subject to a penalty of 1 percent per month or fraction thereof, to be paid to the board with the delinquent payment.

SECTION 30. 66.0603 (1g) (a) of the statutes is amended to read:

66.0603 **(1g)** (a) In this section, "governing board" has the meaning given under s. 34.01 (1) but does not include a local exposition district board created under subch. II of ch. 229 or a local cultural arts district board created under subch. V of ch. 229.

SECTION 31. 66.0615 (1m) (f) 4. of the statutes is repealed.

SECTION 32. 66.1105 (2) (f) 1. (intro.) of the statutes is amended to read:

66.1105 **(2)** (f) 1. (intro.) "Project costs" mean any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city which are listed in a project plan as costs of public works or improvements within a tax incremental district or, to the extent provided in this subd. 1. (intro.) or subds. 1. k., 1. m., and 1. n., without the district, plus any incidental costs, diminished by any income, special assessments, or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received by the city in connection with the implementation of the plan. For any tax incremental district for which a project plan is approved on or after July 31, 1981, only a proportionate share of the costs permitted under this subdivision may be included as project costs to the extent that they benefit the tax incremental district, except that expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by a 1st class city, to fund parking facilities ancillary to and within one mile from public entertainment facilities, including a sports and entertainment arena, shall be considered to benefit any tax incremental district located in whole or in part within a one−mile radius of such parking facilities. To the extent the costs benefit the municipality outside the tax incremental district, a proportionate share of the cost is not a project cost. "Project costs" include:

SECTION 33. 66.1105 (2) (f) 1. p. of the statutes is created to read:

66.1105 **(2)** (f) 1. p. Notwithstanding subd. 2. a., a grant, loan, or appropriation of funds to assist a local exposition district created under subch. II of ch. 229 in the development and construction of sports and entertainment arena facilities, as defined in s. 229.41 (11g), provided that the city and the local exposition district enter into a development agreement.

SECTION 34. 66.1105 (2) (f) 2. (intro.) of the statutes is amended to read:

66.1105 **(2)** (f) 2. (intro.) Notwithstanding subd. 1., except subd. 1. p., none of the following may be included as project costs for any tax incremental district for which a project plan is approved on or after July 31, 1981:

SECTION 35. 66.1105 (9) (a) 10. of the statutes is created to read:

66.1105 **(9)** (a) 10. With regard to a tax incremental district created by a 1st class city, payment out of the proceeds of revenue bonds issued by a redevelopment authority acting in concert with the city pursuant to a contract under s. 66.0301.

SECTION 36. 66.1105 (17) (d) of the statutes is created to read:

66.1105 **(17)** (d) *First class city exception.* If a 1st class city creates a tax incremental district and approves a project plan after July 1, 2015, with project costs that include those described under sub. (2) (f) 1. p., the 12 percent limit specified in sub. (4) (gm) 4. c. does not apply to that district.

SECTION 37. 70.11 (37) of the statutes is amended to read:

70.11 **(37)** LOCAL EXPOSITION DISTRICT. The property of a local exposition district under subch. II of ch. 229, including sports and entertainment arena facilities, as defined in s. 229.41 (11g), except that any portion of the sports and entertainment arena facilities, excluding the outdoor plaza area, that is used, leased, or subleased for use as a restaurant or for any use licensed under ch. 125, and is regularly open to the general public at times when the sports and entertainment arena, as defined in s. 229.41 (11e), is not being used for events that involve the arena floor and seating bowl, is not exempt under this subsection.

SECTION 38. 71.05 (1) (c) 6p. of the statutes is created to read:

71.05 **(1)** (c) 6p. A sponsoring municipality borrowing to assist a local exposition district created under subch. II of ch. 229.

SECTION 39. 71.26 (1m) (n) of the statutes is created to read:

71.26 **(1m)** (n) Those issued by a sponsoring municipality to assist a local exposition district created under subch. II of ch. 229.

SECTION 44. 77.22 (1) of the statutes is amended to read:

77.22 **(1)** There is imposed on the grantor of real estate a real estate transfer fee at the rate of 30 cents for each $100 of value or fraction thereof on every conveyance not exempted or excluded under this subchapter. In regard to land contracts the value is the total principal amount that the buyer agrees to pay the seller for the real estate. This fee shall be collected by the register at the time the instrument of conveyance is submitted for recording. Except as provided in s. 77.255, at the time of submission the grantee or his or her duly authorized agent or other person acquiring an ownership interest under the instrument, or the clerk of court or judgment creditor in the case of a foreclosure under s. 846.16 ~~(1)~~, shall execute a return, signed by both grantor and grantee, on the form prescribed under sub. (2). The register shall enter the fee paid on the face of the deed or other instrument of conveyance before recording, and, except as provided in s. 77.255, submission of a completed real estate transfer return and collection by the register of the fee shall be prerequisites to acceptance of the conveyance for recording. The register shall have no duty to determine either the correct value of the real estate transferred or the validity of any exemption or exclusion claimed. If the transfer is not subject to a fee as provided in this subchapter, the reason for exemption shall be stated on the face of the conveyance to be recorded by reference to the proper subsection under s. 77.25.

SECTION 45. 77.54 (62) of the statutes is created to read:

77.54 **(62)** The sales price from the sale of building materials, supplies, and equipment and the sale of services described in s. 77.52 (2) (a) 20. to; and the storage, use, or other consumption of the same property and services by; owners, lessees, contractors, subcontractors, or builders if that property or service is acquired solely for or used solely in, the construction or development of sports and entertainment arena facilities, as defined in s. 229.41 (11g), but not later than one year after the secretary of administration issues the certification under s. 229.42 (4e) (d).

SECTION 45d. 77.98 (3) of the statutes is amended to read:

77.98 **(3)** ~~For~~ Except as provided in sub. (4), for purposes of sub. (1) (a), "premises" shall be broadly construed and shall include the lobby, aisles, and auditorium of a theater or the seating, aisles, and parking area of an arena, a rink, or a stadium, or the parking area of a drive-in or an outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where served.

SECTION 45e. 77.98 (4) of the statutes is created to read:

77.98 **(4)** (a) Except as provided in par. (b), the tax imposed under this section shall not be imposed on the sale of alcoholic beverages, candy, prepared food, or soft drinks sold by a person engaged in the retail trade as a food and beverage store, as classified under sector 44−45, subsector 445, of the North American Industry Classification System, 1997 edition, published by the U.S. office of management and budget, beginning on the first day of the calendar quarter that is at least 120 days after the date on which the bonds issued by the district under subch. II of ch. 229 during the first 60 months after April 26, 1994, and any debt issued to fund or refund those bonds, are retired. The district shall notify the department of rev−

enue, in the manner prescribed by the department, when such bonds and debt are retired.

(b) Notwithstanding par. (a), the district board may, by a majority vote of its members, reimpose the tax under this section on a person engaged in a retail trade, as described under par. (a).

SECTION 45f. 77.982 (3) of the statutes is amended to read:

77.982 **(3)** From the appropriation under s. 20.835 (4) (gg), the department of revenue shall distribute 97.45% of the taxes collected under this subchapter for each district to that district and shall indicate to the district the taxes reported by each taxpayer in that district, no later than the end of the month following the end of the calendar quarter in which the amounts were collected. The taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments, and all other adjustments. Interest paid on refunds of the tax under this subchapter shall be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60 (1) (a). Those taxes ~~may~~ shall first be used ~~only~~ for the district's debt service on its bond obligations, as described in s. 77.98 (4). After such obligations are retired, the district may use the taxes for any lawful purpose. Any district that receives a report along with a payment under this subsection is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5) and (6).

SECTION 46. 77.983 of the statutes is repealed.

SECTION 47. 77.992 of the statutes is repealed.

SECTION 48. 79.035 (5) of the statutes is amended to read:

79.035 **(5)** ~~For~~ Except as provided in sub. (6), for the distribution in 2013 and subsequent years, each county and municipality shall receive a payment under this section that is equal to the amount of the payment determined for the county or municipality under this section for 2012.

SECTION 48d. 79.035 (5) of the statutes, as affected by 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

79.035 **(5)** For the distribution in 2013 and subsequent years, each county and municipality shall receive a payment under this section that is equal to the amount of the payment determined for the county or municipality under this section for 2012.

SECTION 49. 79.035 (6) of the statutes is created to read:

79.035 **(6)** Beginning with the distributions in 2016 and ending with the distributions in 2035, the annual payment under this section to a county in which a sports and entertainment arena, as defined in s. 229.41 (11e), is located shall be the amount otherwise determined for the county under this section, minus $4,000,000.

SECTION 49d. 79.035 (6) of the statutes, as created by 2015 Wisconsin Act .... (this act), is repealed.

SECTION 50. 229.26 (4) of the statutes is amended to read:

229.26 **(4)** Title to all property real or personal of the convention institution shall be in the name of such city and shall, except as provided in s. 229.47 (1), be held by such city for such purposes, but the board shall determine the use to which such property shall be devoted as provided for in this section.

SECTION 51. 229.26 (4m) of the statutes is amended to read:

229.26 **(4m)** A common council that creates a convention institution under this section may dissolve the convention institution and the convention institution's board and transfer all of the assets and liabilities owned or administered by the convention institution if the common council enters into a transfer agreement under s. 229.47 (1) with a district that has jurisdiction over the territory in which the convention institution is located.

SECTION 52. 229.26 (10) of the statutes is amended to read:

229.26 **(10)** If the employees who perform services for the board are included within one or more collective bargaining units under subch. IV of ch. 111 that do not include other employees of the sponsoring municipality, and a collective bargaining agreement exists between the sponsoring municipality and the representative of those employees in any such unit, and if the common council enters into a transfer agreement under s. 229.47 (1), the board shall transfer its functions under that collective bargaining agreement to a local exposition district under subch. II in accordance with the transfer agreement. Upon the effective date of the transfer, the local exposition district shall carry out the functions of the employer under that agreement. Notwithstanding s. 111.70 (4) (d), during the term of any such collective bargaining agreement that is in effect at the time of the transfer, the existing collective bargaining unit to which the agreement applies shall not be altered.

SECTION 53. 229.40 of the statutes is created to read:

229.40 Legislative declaration. (1) The legislature finds and determines that the provision of assistance by state agencies, in conjunction with local units of government, to a district under this subchapter and any expenditure of funds to assist a district under this subchapter serve a statewide public purpose by assisting the development and construction of sports and entertainment arena facilities in the state for providing recreation, by encouraging economic development and tourism, by reducing unemployment, by preserving business activities within the state, and by bringing needed capital into the state for the benefit and welfare of people throughout the state.

(2) The legislature finds and determines that a district serves a public purpose in the district's jurisdiction to the local units of government in which it is located by providing recreation, by encouraging economic development

and tourism, by reducing unemployment, by preserving business activities within the district's jurisdiction, and by bringing needed capital into the district's jurisdiction for the benefit and welfare of people in the district's jurisdiction.

SECTION 54. 229.41 (9e) of the statutes is created to read:

229.41 **(9e)** "Professional basketball team" means a team that is a member of a league of professional basketball teams that have home arenas approved by the league in at least 10 states and a collective average attendance for all league members of at least 10,000 persons per game over the 5 years immediately preceding the year in which a district is created.

SECTION 55. 229.41 (11e) of the statutes is created to read:

229.41 **(11e)** "Sports and entertainment arena" means the arena structure and the land necessary for its location that is used as the home arena of a professional basketball team and for other sports, recreation, and entertainment activities.

SECTION 56. 229.41 (11g) of the statutes is created to read:

229.41 **(11g)** "Sports and entertainment arena facilities" means the sports and entertainment arena and structures, including all fixtures, equipment, and tangible personal property that are used primarily to support the operation of the sports and entertainment arena or are functionally related to the sports and entertainment arena, located on land not to exceed 9 contiguous acres in area. Such sports and entertainment arena facilities shall include such land and may include offices of the professional basketball team or its affiliate, parking spaces and garages, storage or loading facilities, access ways, sidewalks, a skywalk, plazas, transportation facilities, and sports team stores located on such land. In addition, "sports and entertainment arena facilities" also includes a parking structure to be constructed by a professional basketball team or its affiliate in conjunction with the construction of the sports and entertainment arena and to be owned by the sponsoring municipality.

SECTION 57. 229.41 (12) of the statutes is amended to read:

229.41 **(12)** "Transfer agreement" means the contract between a district and a sponsoring municipality under s. 229.47 (1), or a contract between a district and the Bradley Center Sports and Entertainment Corporation under s. 229.47 (2), that provides the terms and conditions upon which the ownership and operation of an exposition center and exposition center facilities ~~are~~ or ownership of the Bradley Center or any part of the center, including real property, is transferred from a sponsoring municipality or the Bradley Center Sports and Entertainment Corporation to the district.

SECTION 58. 229.42 (4) (intro.) of the statutes is amended to read:

229.42 **(4)** (intro.) ~~If~~ Subject to sub. (4e), if the sole sponsoring municipality is a 1st class city, the board of directors shall consist of ~~15~~ 17 members, who shall be qualified and appointed, subject to sub. (7) (b), as follows:

SECTION 59. 229.42 (4) (d) of the statutes is amended to read:

229.42 **(4)** (d) Three members, 2 of whom shall be primarily employees or officers of a private sector entity, shall be appointed by the county executive of the most populous county in which the sponsoring municipality is located and the 2 private sector entity members shall reside in the county but may not reside in the sponsoring municipality. The 3rd member shall be the chief executive officer of a municipality that contributes a minimum of five−fourteenths of its room tax to an entity which promotes tourism and conventions within the jurisdiction of the district, as that term is used in s. 229.43, except that if no municipality makes this minimum contribution the 3rd member shall be a resident of the district. The room tax contribution shall be at least $150,000 each year. The chief executive officer appointed under this paragraph shall serve a term that expires 2 years after his or her appointment, or shall serve until the expiration of his or her term of elective office, whichever occurs first. This paragraph does not apply, and no appointments may be made under this paragraph, after the secretary of administration issues the certification described in sub. (4e) (d).

SECTION 60. 229.42 (4) (e) of the statutes is amended to read:

229.42 **(4)** (e) Four members, one of whom shall be the secretary of administration~~, or the secretary's designee,~~ and 3 of whom shall be primarily employees or officers of a private sector entity, who shall be appointed by the governor. Of the 3 members who are officers or employees of a private sector entity, at least one of the appointees shall own, operate or manage an enterprise that is located within the district's jurisdiction and that has significant involvement with the food and beverage industry and at least one of the appointees shall own, operate or manage an enterprise that is located within the district's jurisdiction and that has significant involvement with the lodging industry. At least 2 of the appointees under this paragraph shall reside in the district's jurisdiction but may not reside in the sponsoring municipality. Upon the secretary of administration issuing the certification described in sub. (4e) (d), the secretary may continue to serve on the board of directors or may select a designee to serve in his or her place, and the 3 members previously appointed by the governor under this paragraph shall be appointed by the county executive of the most populous county in which the sponsoring municipality is located, subject to the other provisions of this paragraph.

SECTION 61. 229.42 (4) (f) of the statutes is renumbered 229.42 (4) (f) 1. and amended to read:

229.42 **(4)** (f) 1. Two members, ~~each of whom shall be a cochairperson of the joint committee on finance~~ one of whom shall be the speaker of the assembly, or his or her designee, and one of whom shall be the senate majority leader, or his or her designee, if the designee is a member of the same house of the legislature as the ~~cochairperson~~ speaker or majority leader who makes the designation.

SECTION 61e. 229.42 (4) (f) 2. of the statutes is created to read:

229.42 **(4)** (f) 2. Two members, one of whom shall be the minority leader of the assembly, or his or her designee, and one of whom shall be the senate minority leader, or his or her designee, if the designee is a member of the same house of the legislature as the minority leader who makes the designation.

SECTION 62. 229.42 (4) (g) of the statutes is created to read:

229.42 **(4)** (g) Upon the secretary of administration issuing the certification described in sub. (4e) (d):

1. One member who shall be appointed by the county executive of the most populous county in which the sponsoring municipality is located and who shall be either primarily an employee or officer of a private sector entity. The appointee shall own, operate, or manage an enterprise that is located within the district's jurisdiction and that has either significant involvement with the food and beverage industry or significant involvement with the lodging industry. The appointee under this subdivision shall reside in the district's jurisdiction but may not reside in the sponsoring municipality.

2. One member who shall be appointed by the county executive of the most populous county in which the sponsoring municipality is located and who is the chief executive officer, or his or her designee, of a municipality that contributes a minimum of five−fourteenths of its room tax to an entity that promotes tourism and conventions within the jurisdiction of the district, as that term is used in s. 229.43. If no municipality makes this minimum contribution, the county executive shall appoint an additional member who shall be a resident of the district. The room tax contribution shall be at least $150,000 each year. The chief executive officer described under this subdivision shall serve a term that is concurrent with his or her term of elective office.

SECTION 63. 229.42 (4) (h) of the statutes is created to read:

229.42 **(4)** (h) Upon the secretary of administration issuing the certification described in sub. (4e) (d), one member shall be the comptroller of the most populous county in which the sponsoring municipality is located, except that if that county does not have a comptroller, one member shall be the chief financial officer of the most populous county in which the sponsoring municipality is located.

SECTION 64. 229.42 (4e) of the statutes is created to read:

229.42 **(4e)** (a) With regard to a district that exists on the effective date of this paragraph .... [LRB inserts date], notwithstanding the provisions of subs. (4) (a) to (f) and (7) (b), the terms of office of all members of the board of directors shall expire on the effective date of this paragraph .... [LRB inserts date], except that the secretary of administration shall continue as a board member and he or she shall become chairperson of the board of directors, notwithstanding sub. (8).

(b) Not later than 30 days after the effective date of this paragraph .... [LRB inserts date], each appointing authority under sub. (4) (a) to (e) shall appoint and certify new members of the board of directors as provided in sub. (4) and s. 229.435, except that the secretary of administration who continues in office as provided in par. (a) need not be reappointed under sub. (4) (e). The members described in sub. (4) (c) and (f) shall become members of the board of directors on the effective date of this paragraph .... [LRB inserts date].

(c) Notwithstanding the provisions of sub. (3), the secretary of administration may act before all board members appointed as provided in par. (b) are certified.

(d) The secretary of administration shall serve as chairperson of the board of directors until the secretary certifies that a sports and entertainment arena, the construction of which commences on or after the effective date of this paragraph .... [LRB inserts date], is completed. The secretary of administration shall make the certification described under this paragraph as soon as he or she determines that the sports and entertainment arena is completed, but not later than the first game played in the sports and entertainment arena by the professional basketball team that uses the arena as its home arena.

(e) The terms of board members appointed under par. (b) shall expire or terminate upon the earliest occurrence of one of the following:

1. Two years after the member is certified under s. 229.435.

2. The secretary of administration makes the certification described in par. (d).

3. One of the provisions described in sub. (7) (b) 2. or 3. occurs.

(f) Upon the secretary of administration issuing the certification described in par. (d), which shall cause the expiration or termination of the terms of all board members as provided in this subsection, each appointing authority under sub. (4) shall appoint and certify new members of the board of directors, as provided in sub. (4) and s. 229.435, not later than 30 days after the secretary issues the certification. The secretary of administration or the secretary's designee, and the persons described in sub. (4) (c), (f), and (h), are considered to be certified upon the secretary issuing the certification described in par. (d). A board of directors consisting of members whose appointments are described under this paragraph may not take any action until a majority of board mem−

bers so appointed are certified. No individual appointive board member may act until he or she is appointed and certified.

SECTION 65. 229.42 (7) (b) 1m. of the statutes is created to read:

229.42 **(7)** (b) 1m. Subject to subds. 2. and 3. and sub. (4) (g), the terms of office of the members of the board of directors shall be 3 years, except that for the initial appointments that occur following the secretary of administration issuing the certification described in sub. (4e) (d), 3 of the appointments shall be for one year, 3 appointments shall be for 2 years, and 3 appointments shall be for 3 years. The comptroller's appointments shall be for the comptroller's tenure in his or her position. The term of the secretary of administration or his or her designee shall be concurrent with the secretary's term in office, and the terms of the persons described in sub. (4) (f) shall be their terms in office or the term of the person who designated the board members under sub. (4) (f). The length of the initial terms shall be determined jointly by the secretary of administration and the county executive of the most populous county in which the sponsoring municipality is located. With regard to appointed board members to whom this subdivision applies, no individual may serve on the board of directors for more than 6 years.

SECTION 66. 229.435 of the statutes is amended to read:

229.435 Certification of board members. Within 30 days ~~after a sponsoring municipality files an enabling resolution under s. 229.42 (1) (b),~~ following the expiration of terms as described in s. 229.42 (4e) (a), and upon the secretary of administration issuing the certification described in s. 229.42 (4e) (d), each person who may appoint members to a board of directors under s. 229.42 (4), (5) or (6) shall certify to the department of administration the names of the persons appointed to the board of directors under s. 229.42 (5) or (6) or, if the sole sponsoring municipality is a 1st class city, the names of the persons appointed to the board of directors under s. 229.42 (4).

SECTION 67. 229.44 (4) (intro.) of the statutes is amended to read:

229.44 **(4)** (intro.) Do any of the following in connection with an exposition center and exposition center facilities and sports and entertainment arena and sports and entertainment arena facilities:

SECTION 68. 229.44 (4) (a) of the statutes is amended to read:

229.44 **(4)** (a) Acquire, construct, equip, maintain, improve, operate and manage the exposition center and exposition center facilities, or engage other persons to do these things. Acquire, construct, and equip the sports and entertainment arena and sports and entertainment arena facilities, or engage other persons to do these things. If the professional basketball team or its affiliate breaches the non−relocation agreement or lease under s. 229.461, the district may equip, maintain, improve, operate, and manage the sports and entertainment arena and sports and entertainment arena facilities, or engage other persons to do these things, but only from moneys received from the parent company of the professional basketball team, the professional basketball team, or its affiliate resulting from the breach of the non−relocation agreement or lease.

SECTION 69. 229.44 (4) (b) of the statutes is amended to read:

229.44 **(4)** (b) Acquire~~, lease, use or transfer~~; lease, as lessor or lessee; use; or transfer or accept transfers of property. With the approval of all sponsoring municipalities of the district, the district may acquire property by condemnation using the procedure under s. 32.05 or 32.06.

SECTION 70. 229.44 (4) (c) of the statutes is amended to read:

229.44 **(4)** (c) Improve, maintain, and repair real property, except that the district may only improve, maintain, and repair the sports and entertainment arena facilities, or engage other persons to do these things, if the professional basketball team or its affiliate breaches the non−relocation agreement or lease under s. 229.461 and only from moneys received from the parent company of the professional basketball team, the professional basketball team, or its affiliate resulting from the breach of the non−relocation agreement or lease.

SECTION 71. 229.44 (4) (d) of the statutes is amended to read:

229.44 **(4)** (d) Enter into contracts. ~~All~~ Except as provided in s. 229.461, all contracts, the estimated costs of which exceed ~~$30,000~~ $100,000, except contracts subject to s. 229.46 (5) and contracts for personal or professional services, shall be subject to bid and shall be awarded to the lowest qualified and competent bidder. The district may reject any bid that is submitted under this paragraph.

SECTION 72. 229.44 (4) (f) of the statutes is created to read:

229.44 **(4)** (f) Sell or otherwise dispose of unneeded or unwanted property.

SECTION 73. 229.44 (5) of the statutes is amended to read:

229.44 **(5)** Employ personnel, and fix and regulate their compensation; and provide, either directly or subject to an agreement under s. 66.0301 or 229.47 (1) as a participant in a benefit plan of another governmental entity, any employee benefits, including an employee pension plan.

SECTION 74. 229.44 (6) of the statutes is amended to read:

229.44 **(6)** Purchase insurance, establish and administer a plan of self−insurance or, subject to an agreement with another governmental entity under s. 66.0301 or

229.47 (1), participate in a governmental plan of insurance or self−insurance.

Section 74e. 229.445 of the statutes is created to read:

229.445 Ticket surcharge. The board of directors shall require the sponsor of an event held at a sports and entertainment arena to impose a $2 surcharge on each ticket that is sold to the event. The event sponsor shall forward to the board of directors any surcharges collected under this section. The board of directors shall submit 25 percent of the amount received under this section to the department of administration for deposit into the general fund and shall retain the remainder for the district.

Section 75. 229.461 of the statutes is created to read:

229.461 Development agreement, non−relocation agreement, lease. (1) A district shall enter into a development agreement with a professional basketball team or its affiliate to require the professional basketball team or affiliate to develop and construct sports and entertainment arena facilities that will be financed in part by the district and, subject to sub. (3) (d), leased to the professional basketball team or its affiliate as provided in this subchapter. Before a district may sign the development agreement, the secretary of administration shall certify that the professional basketball team or its affiliate has agreed to fund at least $250,000,000 to the development and construction of the sports and entertainment arena facilities. In addition, the professional basketball team or its affiliate must have entered into the non−relocation agreement under sub. (2) before the district may sign the development agreement.

(2) In consideration of the district, this state, a sponsoring municipality, and the most populous county in which the sponsoring municipality is located promising to commit $250,000,000 of financial assistance to the development and construction of the sports and entertainment arena facilities and granting a professional basketball team, or its affiliate, the right to operate and manage the sports and entertainment arena facilities, the professional basketball team shall enter into a non−relocation agreement with the district, before it or its affiliate enters into a development agreement with the district under sub. (1), that contains all of the following provisions and commitments during the term of the lease:

(a) The professional basketball team shall play substantially all of its home games at the sports and entertainment arena, once it is constructed.

(b) The professional basketball team shall maintain its membership in the National Basketball Association or a successor league.

(c) The professional basketball team shall maintain its headquarters in this state.

(d) The professional basketball team shall maintain in its official team name the name of the sponsoring municipality.

(e) The professional basketball team shall not relocate to another political subdivision during the term of the lease.

(f) If the professional basketball team is sold or ownership is transferred to another person, the professional basketball team shall ensure that any person who acquires the professional basketball team, including upon foreclosure, commits to acquire the professional basketball team subject to the team's obligations under the non−relocation agreement.

(g) During the last 5 years of the original 30−year lease, and during any 5−year extension of the lease, the professional basketball team may negotiate, and enter into agreements, with 3rd parties regarding the professional basketball team playing its home games at a site different from the site to which the lease applies after the conclusion of the lease.

(3) The lease between the district and the professional basketball team or its affiliate shall contain at least all of the following:

(a) The term of the lease shall be for 30 years, plus 2 extensions of 5 years each, both extensions at the professional basketball team's or its affiliate's option.

(b) The lease shall contain provisions concerning the transfer of the Bradley Center and the land on which it is located from the district to the professional basketball team or its affiliate and, following that transfer, subsequent demolition of the Bradley Center arena structure, consistent with s. 229.47 (2) (c). The district shall convey fee title to the professional basketball team or its affiliate free and clear of all liens, encumbrances, and obligations, except for easements or similar restrictions that do not include a monetary component. Provided that the Bradley Center arena structure is transferred as provided under this paragraph, the lease shall require the professional basketball team or its affiliate to pay for all costs related to the demolition of the Bradley Center arena structure.

(c) The professional basketball team or its affiliate shall be responsible for equipping, maintaining, operating, improving, and repairing sports and entertainment arena facilities that are constructed pursuant to a development agreement entered into under sub. (1). If the professional basketball team or its affiliate breaches the development agreement or non−relocation agreement, the parent company of the professional basketball team shall be jointly and severally responsible with the professional basketball team or its affiliate for the costs of equipping, maintaining, operating, and repairing the sports and entertainment arena facilities during the term of the lease. In addition, the professional basketball team or its affiliate shall be entitled to receive all revenues, other than surcharges collected under s. 229.445, related to the operation or use of the sports and entertainment arena facilities, including, but not limited to, ticket revenues, licensing or

user fees, sponsorship revenues, revenues generated from events that are held on the plaza that is part of the sports and entertainment arena facilities, revenues from the sale of food, beverages, merchandise, and parking, and revenues from naming rights.

(d) The lease shall allow for a separate agreement between the sponsoring municipality and the professional basketball team or its affiliate that addresses the development and construction, leasing, operation, maintenance, and repair of a parking structure constructed as part of the sports and entertainment arena facilities and the ownership of and revenues from the parking structure.

(4) (a) If the professional basketball team or its affiliate breaches the lease, the district may enforce the lease.

(b) If the professional basketball team or its affiliate breaches the non−relocation agreement, the state, the district, the sponsoring municipality, and the most populous county in which the sponsoring municipality is located may act individually or collectively to enforce the non−relocation agreement and, if they prevail, are entitled to all of the following:

1. Injunctive relief.

2. a. Liquidated damages from the parent company of the professional basketball team, the professional basketball team, or its affiliate in an amount equal to the outstanding balance of principal and accrued unpaid interest remaining on any debt issued or incurred by the district, this state, a sponsoring municipality, and the most populous county in which the sponsoring municipality is located for the development and construction of the sports and entertainment arena facilities.

b. If the professional basketball team or its affiliate, at the time of its breach of the non−relocation agreement, is also in breach of its obligations under the lease to equip, maintain, operate, and repair the sports and entertainment arena facilities, liquidated damages from the parent company of the professional basketball team, the professional basketball team, or its affiliate shall also include an amount equal to the cost of performing these obligations during the term of the lease.

c. Liquidated damages awarded under this subdivision shall be apportioned among the district, this state, a sponsoring municipality, and the most populous county in which the sponsoring municipality is located in proportion to that entity's financial contributions towards the development and construction of the sports and entertainment arena facilities.

(5) The secretary of administration, in his or her capacity as chairperson of the board of directors, shall negotiate the development agreement, the lease, and the non−relocation agreement under this section on behalf of the district and may enter into any such development agreement, non−relocation agreement, or lease without the approval of the board of directors. Any subsequent amendments to, or renewal or extensions of, the development agreement, the non−relocation agreement, or the lease shall require the approval of the board of directors.

SECTION 76. 229.47 of the statutes is renumbered 229.47 (1).

SECTION 77. 229.47 (2) of the statutes is created to read:

229.47 **(2)** (a) Subject to s. 232.05 (3) (a), a district shall enter into one or more transfer agreements with the Bradley Center Sports and Entertainment Corporation regarding the transfer of the Bradley Center or any part of the center, including land that cannot be transferred under par. (b). Any such transfer shall be for nominal financial consideration.

(b) Following execution of a lease under s. 229.461 (3) and forgiveness by the professional basketball team of any outstanding debt owed to the professional basketball team by the Bradley Center Sports and Entertainment Corporation, the Bradley Center Sports and Entertainment Corporation shall transfer to the district the land described in s. 229.41 (11e) that is owned by the Bradley Center Sports and Entertainment Corporation. The transfer shall occur pursuant to transfer agreements and a parcel transfer schedule certified by the secretary of administration.

(c) A transfer agreement shall specify that demolition of the Bradley Center will commence not later than 180 days after the center is transferred to the district, as described in s. 232.05 (2) (h) and that the Bradley Center parking structure may continue to exist and operate.

SECTION 78. 229.477 of the statutes is amended to read:

229.477 Dissolution of a district. Subject to providing for the payment of its bonds, including interest on the bonds, and the performance of its other contractual obligations, a district may be dissolved by the joint action of the district's board of directors and sponsoring municipality. If the district is dissolved, the property of the district that does not include sports and entertainment arena facilities shall be transferred to its sponsoring municipality. Subject to the terms of any lease under s. 229.461 (3), the property of the district that does include sports and entertainment arena facilities shall be transferred to the local units of government that compose the district's jurisdiction in such proportions as the secretary of administration determines fairly and reasonably represent the contributions of each local unit of government to the development, construction, operation, maintenance, or improvement of the property that contains sports and entertainment arena facilities. If the district was created by more than one sponsoring municipality, the municipalities shall agree on the apportioning of the district's property before the district may be dissolved.

SECTION 79. 229.48 (1) (intro.) of the statutes is amended to read:

229.48 **(1)** (intro.) A district may issue bonds for costs and purposes that are related to an exposition center

or an exposition center facility or sports and entertainment arena or sports and entertainment arena facilities, including all of the following:

Section 80. 229.48 (1) (a) of the statutes is amended to read:

229.48 **(1)** (a) Costs of acquiring, constructing, equipping, maintaining or improving an exposition center or an exposition center facility or initially developing and constructing a sports and entertainment arena or sports and entertainment arena facilities.

Section 81. 229.48 (1) (b) of the statutes is amended to read:

229.48 **(1)** (b) Costs of acquiring or improving an exposition center site or sports and entertainment arena facilities site.

Section 82. 229.48 (1) (c) of the statutes is amended to read:

229.48 **(1)** (c) Engineering, architectural or consultant fees, costs of environmental or feasibility studies, permit and license fees and similar planning or preparatory costs, that are related to an exposition center or exposition center facility or sports and entertainment arena or sports and entertainment arena facilities.

Section 83. 229.48 (1) (d) of the statutes is amended to read:

229.48 **(1)** (d) Funding budgeted costs for an exposition center or exposition center facility or sports and entertainment arena or sports and entertainment arena facilities for the 6−month period immediately following the completion of its construction or acquisition.

Section 84. 229.48 (1) (e) of the statutes is amended to read:

229.48 **(1)** (e) Interest on bonds or on any debt that is retired with the proceeds of bonds, if the interest is incurred or is reasonably expected to be incurred during the time period beginning a reasonable time period prior to the construction or acquisition of an exposition center or exposition center facility or sports and entertainment arena or sports and entertainment arena facilities and ending 6 months after the completion of the construction or acquisition.

Section 85. 229.48 (1m) of the statutes is amended to read:

229.48 **(1m)** For financing purposes, exposition centers and exposition center facilities and sports and entertainment arenas and sports and entertainment arena facilities are public utilities and tax revenues imposed under s. 66.0615 (1m) (a) and (b) and subchs. VIII and IX of ch. 77 are property or income of the public utility.

Section 86. 229.48 (2) of the statutes is amended to read:

229.48 **(2)** All bonds are negotiable for all purposes, notwithstanding their payment from a limited source. A district may retain the building commission, the department of administration, or any other person as its financial consultant to assist with and coordinate the issuance of bonds and shall use the building commission as its financial consultant for bonds secured by a special debt service reserve fund under s. 229.50.

Section 87. 229.48 (7) of the statutes is created to read:

229.48 **(7)** The maximum amount of bond proceeds that a district may receive from bonds issued to fund the development and construction of sports and entertainment arena facilities is $203,000,000. The district may receive additional proceeds from the bonds to pay issuance or administrative costs related to the bonds, to make deposits in reserve funds related to the bonds, to pay accrued or funded interest on the bonds, and to pay the costs of credit enhancement for the bonds.

Section 88. 229.50 (1) (a) (intro.) of the statutes is amended to read:

229.50 **(1)** (a) *Substantial statewide public purpose.* (intro.) The proceeds of the bonds, other than refunding bonds, will be used in connection with an exposition center, or an exposition center facility used primarily to support the activities of an exposition center, or a sports and entertainment arena, or sports and entertainment arena facilities, that serves a substantial statewide public purpose. An exposition center serves a substantial statewide public purpose if all of the following conditions are met:

Section 89. 229.50 (1) (d) of the statutes is amended to read:

229.50 **(1)** (d) *Use of net proceeds.* Not more than $170,000,000 of the total net proceeds of all bonds, other than refunding bonds, that would be secured by all special debt service reserve funds of the district will be used for the purposes specified under s. 229.48 (1) (a) to (c), except that no proceeds of the bonds secured by a special debt service reserve fund may be used to remodel or refurbish an existing exposition center or existing exposition center facilities transferred under a transfer agreement under s. 229.47 (1).

Section 90. 229.50 (1) (f) of the statutes is amended to read:

229.50 **(1)** (f) *Transfer agreement.* A sponsoring municipality of the district issuing the bonds has entered into a transfer agreement under s. 229.47 (1) that transfers to the district the sponsoring municipality's interests in an existing exposition center and exposition center facilities created under this subchapter or in an existing convention institution under s. 229.26.

Section 91. 229.50 (7) of the statutes is amended to read:

229.50 **(7)** STATE MORAL OBLIGATION PLEDGE. If at any time the special debt service reserve fund requirement under sub. (5) for a special debt service reserve fund exceeds the amount of moneys in the special debt service reserve fund, the board of directors of the district shall certify to the secretary of administration, the governor, the joint committee on finance and the governing body of the sponsoring municipality the amount necessary to

restore the special debt service reserve fund to an amount equal to the special debt service reserve fund requirement under sub. (5) for the special debt service reserve fund. If this certification is received by the secretary of administration in an even−numbered year prior to the completion of the budget compilation under s. 16.43, the secretary shall include the certified amount in the budget compilation. In any case, the joint committee on finance shall introduce in either house, in bill form, an appropriation of the amount so certified to the appropriate special debt service reserve fund of the district. Recognizing its moral obligation to do so, the legislature hereby expresses its expectation and aspiration that, if ever called upon to do so, it shall make this appropriation. This subsection does not apply to reserve fund shortfalls related to bonds or any refunding bonds issued by the district to fund the construction of sports and entertainment arena facilities.

Section 92. 229.54 of the statutes is created to read:

229.54 Responsibility to sports and entertainment arena facilities. (1) Neither the state, a sponsoring municipality, nor the most populous county in which the sponsoring municipality is located is responsible for equipping, maintaining, operating, improving, and repairing sports and entertainment arena facilities.

(2) The district is responsible only for equipping, maintaining, operating, improving, and repairing sports and entertainment arena facilities during the initial development and construction of the sports and entertainment arena facilities. If the professional basketball team or its affiliate breaches the non−relocation agreement or lease under s. 229.461, the district is responsible for equipping, maintaining, operating, and repairing sports and entertainment arena facilities during the remainder of the lease, but only from moneys received from the parent company of the professional basketball team, the professional basketball team, or its affiliate resulting from the breach of the non−relocation agreement or lease.

Section 93. 232.05 (2) (h) of the statutes is created to read:

232.05 **(2)** (h) Within 60 days following the later of the secretary of administration issuing the certification described in s. 229.42 (4e) (d) or the expiration of 180 days' written notice delivered by the district to the corporation of the intended construction completion date, complete the sale, exchange, transfer, or divestiture of any part of the Bradley Center that was not previously transferred, as authorized under sub. (3).

Section 94. 232.05 (3) (a) of the statutes is amended to read:

232.05 **(3)** (a) Sell, exchange, transfer, or otherwise divest itself of the Bradley ~~center~~ Center except to a district, as defined in s. 229.41 (4m). The sale, exchange, transfer, or divestiture of the Bradley Center, or any part of the center, to a district, as defined in s. 229.41 (4m), shall satisfy and terminate any obligation of the corporation. Except as provided in s. 229.47 (2) (b), the corporation may not act under this paragraph before the secretary of administration issues the certification described in s. 229.42 (4e) (d).

Section 95. 232.05 (3) (b) of the statutes is amended to read:

232.05 **(3)** (b) Dissolve and wind up its affairs~~, unless the legislature enacts a law ordering dissolution or except as provided in s. 232.07~~ except in connection with the sale, exchange, transfer, or divestment of the Bradley Center upon the secretary of administration issuing the certification described in s. 229.42 (4e) (d).

Section 96. 232.07 (1) of the statutes is repealed.

Section 97. 232.07 (2) of the statutes is renumbered 232.07 and amended to read:

232.07 Dissolution. ~~Promptly upon issuance of the certificate of involuntary~~ Upon dissolution, the corporation shall pay, discharge, or make adequate provision for discharging its debts, liabilities, and obligations, including any judgment, order or decree which may be entered against it in any pending legal action, and shall, subject to s. 232.05 (3) (a), transfer all remaining assets to the state or to a district, as defined in s. 229.41 (4m). The corporation's existence shall continue, subject to the limitations on its activities under s. 181.1405.

Section 98. 342.41 of the statutes is created to read:

342.41 Identity of buyer. (1) Notwithstanding s. 342.15, after December 31, 2015, no individual may sell a motor vehicle to another individual, including transferring a junk vehicle by bill of sale, unless within 30 days of the sale the seller reports to the department the identification number of the vehicle and the identity of the individual buyer.

(2) The department shall accept electronically information related to the sale of the motor vehicle, including all of the information required to be reported under sub. (1).

Section 99. 345.28 (2) (c) of the statutes is amended to read:

345.28 **(2)** (c) ~~If~~ Subject to par. (d), if the appearance date specified in the citation is inconvenient for the person, he or she may contact the clerk of circuit court or the municipal court, whichever is applicable, to schedule a more convenient time. The revised date may provide for an appearance during an evening session, as required under s. 753.23 or authorized by a court. ~~The~~ Subject to par. (d), the court may revise the appearance date. The date specified in the citation applies unless the person receives written confirmation of the revised appearance date from the court.

Section 100. 345.28 (2) (d) of the statutes is created to read:

345.28 **(2)** (d) A city of the 1st class may enact an ordinance establishing the period within which a person charged with a nonmoving violation shall pay the forfeiture or appear in court. An ordinance under this para−

graph shall require that a citation issued for a nonmoving violation include the date on which the court may act under s. 345.37 unless the person has paid the forfeiture or appeared in court prior to that date.

Section 101. 345.28 (4) (g) of the statutes is repealed.

Section 102. 345.37 (intro.) of the statutes is amended to read:

345.37 Procedure on default of appearance. (intro.) If the defendant fails to appear in court at the time fixed in the citation or by subsequent postponement, or, if an ordinance under s. 345.28 (2) (d) applies, not less time than the period established in an ordinance under s. 345.28 (2) (d) has elapsed since the person was charged with a nonmoving violation, the following procedure shall apply:

Section 103. 349.13 (1d) of the statutes is created to read:

349.13 **(1d)** A local authority with respect to highways under its jurisdiction, including state trunk highways or connecting highways within corporate limits, may enact an ordinance making the owner of the vehicle involved in a violation under this section jointly liable for the violation.

Section 104. 349.132 of the statutes is created to read:

349.132 Authority to require vehicle registration. The governing body of any town, city, village, or county may enact an ordinance requiring that no vehicle that has been impounded or towed may be released unless the motor vehicle is registered under ch. 341 or exempt from registration under s. 341.05.

Section 109m. 846.16 (1) of the statutes is amended to read:

846.16 **(1)** The sheriff or referee who makes sale of mortgaged premises, under a judgment therefor, shall give notice of the time and place of sale in the manner provided by law for the sale of real estate upon execution or in such other manner as the court shall in the judgment direct; where the department of veterans affairs is also a party in the foreclosure action, the judgment shall direct that notice of sale be given by registered mail, return receipt requested, to the department at Madison, Wisconsin, at least 3 weeks prior to the date of sale, but such requirement does not affect any other provision as to giving notice of sale. ~~The~~ Except as provided in sub. (3) and s. 846.167, the sheriff or referee shall, within 10 days thereafter, file with the clerk of the court a report of the sale, and shall also immediately after the sale first deduct any fee due under s. 77.22 (1); then deposit that fee, a return under s. 77.22 and the deed with the clerk of the court for transmittal to the register of deeds; then deduct the costs and expenses of the sale, unless the court orders otherwise, and then deposit with the clerk of the court the proceeds of the sale ordered by the court. The sheriff may accept from the purchaser at such sale as a deposit or down payment upon the same not less than $100, in which case such amount shall be so deposited with the clerk of the court as above provided, and the balance of the sale price shall be paid to the clerk by the purchaser at such sale upon the confirmation thereof. If the highest bid is less than $100, the whole amount thereof shall be so deposited.

Section 110m. 846.16 (3) of the statutes is created to read:

846.16 **(3)** If the mortgaged premises are located in a county having a population of 750,000 or more, no later than 10 days after the sale of the mortgaged premises, the sheriff or referee shall do all of the following:

(a) File a report of the sale with the clerk of court.

(b) Deliver to the clerk of court all of the following:

1. The deed to the mortgaged premises.

2. After deducting the costs and expenses of the sale, unless the court orders otherwise, the proceeds of the sale ordered by the court.

Section 111m. 846.167 of the statutes is created to read:

846.167 Confirmation of sale and transmittal of deed in populous counties. (1) In this section, "county" means a county having a population of 750,000 or more.

(2) If a sheriff or referee makes a sale of mortgaged premises located in a county under a judgment of foreclosure and sale, all of the following apply:

(a) If the purchaser is not the judgment creditor, before the court may confirm the sale, the purchaser shall provide the judgment creditor with any information required for the judgment creditor to complete the real estate transfer return under s. 77.22 and, if applicable, any information required for a certificate, waiver, or stipulation required under s. 101.122.

(b) No later than 10 days after the court confirms the sale, the purchaser shall pay to the court all of the following:

1. The amount of the transfer fee under s. 77.22, if any.

2. The amount of the fee under s. 59.43 (2) to record all of the following:

a. The deed to the mortgaged premises delivered under s. 846.16.

b. Any other document required for the register of deeds to record the deed, including any certificate, waiver, or stipulation required under s. 101.122.

(c) No later than 10 days after the court confirms the sale, the judgment creditor shall provide to the court the receipt for submitting a transfer return under s. 77.22 and any certificate, waiver, or stipulation required under s. 101.122.

(3) Upon the court confirming the sale of mortgaged premises located in a county and upon compliance by the purchaser with the terms of the sale and the payment of any balance of the sale price to be paid, unless otherwise ordered by the court, the clerk of the court shall transmit

the deed to the mortgaged premises received under s. 846.16, the receipt for submitting a transfer return under s. 77.22, any certificate, waiver, or stipulation required under s. 101.122, the amount due under s. 59.43 (2) to record the deed and any other document required to record the deed, and the transfer fee, if any, to the register of deeds of the county.

SECTION 112m. 846.17 of the statutes is amended to read:

846.17 Deed, execution and effect of. Upon any such sale being made the sheriff or referee making the same, on compliance with its terms, shall make and execute to the purchaser, the purchaser's assigns or personal representatives, a deed of the premises sold, setting forth each parcel of land sold to the purchaser and the sum paid therefor, which deed, upon confirmation of such sale, shall vest in the purchaser, the purchaser's assigns or personal representatives, all the right, title and interest of the mortgagor, the mortgagor's heirs, personal representatives and assigns in and to the premises sold and shall be a bar to all claim, right of equity of redemption therein, of and against the parties to such action, their heirs and personal representatives, and also against all persons claiming under them subsequent to the filing of the notice of the pendency of the action in which such judgment was rendered; and the purchaser, the purchaser's heirs or assigns shall be let into the possession of the premises so sold on production of such deed or a duly certified copy thereof, and the court may, if necessary, issue a writ of assistance to deliver such possession. Such deed or deeds so ~~made and~~ executed by the sheriff as above set forth shall be forthwith delivered by the sheriff to the clerk of the court to be held by the clerk until the confirmation of the sale, and upon the confirmation thereof the clerk of the court shall thereupon pay to the parties entitled thereto, or to their attorneys, the proceeds of the sale, and, except as provided in s. 846.167, shall deliver to the purchaser, the purchaser's assigns or personal representatives, at the sale such deed upon compliance by such purchaser with the terms of such sale, and the payment of any balance of the sale price to be paid. In the event of the failure of such purchaser to pay any part of the purchase price remaining to be paid within 10 days after the confirmation of such sale, the amount so deposited shall be forfeited and paid to the parties who would be entitled to the proceeds of such sale as ordered by the court, and a resale shall be had of said premises, and in such event such deed so executed to the defaulting purchaser shall be destroyed by said clerk, and shall be of no effect. In the event that such sale is not confirmed by the court, the clerk shall forthwith refund to the purchaser at such sale the amount so paid or deposited by the purchaser, and shall likewise destroy such sheriff's deed so executed, and the same shall be of no effect, and a resale of the premises shall be had upon due notice thereof.

SECTION 115. Nonstatutory provisions.

(1) CERTAIN MILWAUKEE COUNTY PROPERTY. As soon as practicable, Milwaukee County shall transfer, unencumbered, to a district created under subchapter II of chapter 229 of the statutes, the property known as 929 North Water Street, Milwaukee, Wisconsin, which is bounded by the Milwaukee River on the west; East State Street on the north; North Water Street on the east; and East Kilbourn Avenue on the south. The transfer shall take effect upon the adoption of a resolution requesting the transfer by the board of directors under section 229.41 (2) of the statutes and a written proclamation of the Milwaukee County executive supporting the transfer, notwithstanding any policies issued, ordinances enacted, or resolutions adopted by the Milwaukee County board to the contrary. The transfer may take place without the approval of the Milwaukee County board.

(2m) FORECLOSURE PROCESS IN POPULOUS COUNTIES. The treatment of sections 846.16 (1) and (3), 846.167, and 846.17 of the statutes first applies to a foreclosure action commenced on the effective date of this subsection.

SECTION 116. Effective dates. This act takes effect on the day after publication, except as follows:

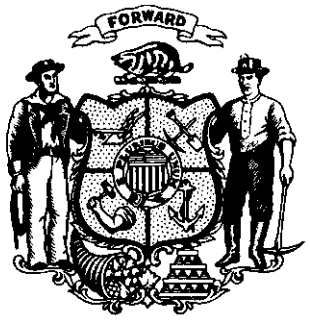
(1) PAYMENT TO BRADLEY CENTER SPORTS AND ENTERTAINMENT CORPORATION. The repeal of sections 16.004 (22) and 20.855 (4) (cy) of the statutes takes effect on June 30, 2017.

(2d) SHARED REVENUE. The repeal and recreation of section 79.035 (5) of the statutes and the repeal of section 79.035 (6) of the statutes take effect on June 30, 2036.

(2m) FORECLOSURE PROCESS IN POPULOUS COUNTIES. The treatment of sections 846.16 (1) and (3), 846.167, and 846.17 of the statutes and SECTION 115 (2m) of this act take effect on the first day of the 5th month beginning after publication.

(3) PAYMENT TO A LOCAL EXPOSITION DISTRICT. The repeal of sections 16.004 (21) and 20.855 (4) (cr) and (dr) of the statutes takes effect on June 30, 2036.

State of Wisconsin



Date of enactment: **December 16, 2015**
2015 Assembly Bill 387 Date of publication*: **December 17, 2015**

2015 WISCONSIN ACT 117

AN ACT ***to repeal*** 13.62 (11t); ***to renumber*** 13.75; ***to renumber and amend*** 13.625 (1) (c) (intro.), 13.625 (1) (c) 1., 13.625 (1) (c) 2. and 946.11 (2) (b); ***to amend*** 5.02 (13), 5.05 (2), 5.05 (2m) (d) 2., 5.05 (2m) (e), 5.05 (5e), 6.87 (3) (b), 7.23 (1) (d), 7.40, 7.50 (2) (em), 8.05 (1) (j) 2., 8.10 (5), 8.15 (4) (b), 8.16 (2) (c), 8.20 (6), 8.30 (2), 8.35 (2) (a), 8.35 (2) (c), 8.35 (4) (c), 8.35 (4) (d), 8.35 (4) (e), 8.50 (3) (a), 9.01 (5) (bm), 9.10 (2) (d), 11.1400 (5), 11.1401 (2), 12.07 (4), 12.08, 12.13 (3) (h), 12.60 (4), 13.62 (5g), 13.62 (5r), 13.625 (1) (b) (intro.), 13.625 (1) (b) 3., 13.625 (2), 13.625 (3), 13.625 (6r), 13.69 (6), 13.695 (4), 15.60 (5), 15.60 (6), 15.60 (7), 15.79 (2) (b), 19.42 (3m), 19.45 (13), 19.579 (1), 19.59 (1) (br), 19.59 (7) (b), 20.511 (1) (a), 20.511 (1) (i), 20.511 (1) (j), 20.855 (6) (h), 36.11 (1) (cm), 111.365 (3) (a), 120.06 (6) (b) 5., 185.03 (10) (e), 202.12 (5) (a) 2., 341.14 (6r) (fm) 1. b., 346.94 (16) (b) 2., 349.135 (2) (b), 563.907 (3) (b), 630.05 (intro.), 755.01 (4), 758.13 (3) (g) 1. a. and 758.13 (3) (g) 1. b.; ***to repeal and recreate*** chapter 11; and ***to create*** 13.62 (5j), 13.62 (5u), 13.75 (1r) and 946.11 (2) (b) 1. and 2. of the statutes; **relating to:** campaign finance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.02 (13) of the statutes is amended to read:

5.02 **(13)** "Political party" ~~or "party" means a state committee registered under s. 11.05 organized exclusively for political purposes under whose name candidates appear on a ballot at any election, and all county, congressional, legislative, local and other affiliated committees authorized to operate under the same name. For purposes of ch. 11, the term does not include a legislative campaign committee or a committee filing an oath under s. 11.06 (7)~~ has the meaning given in s. 11.0101 (26).

SECTION 2. 5.05 (2) of the statutes is amended to read:

5.05 **(2)** AUDITING. In addition to the facial examination of reports and statements required under s. ~~11.21 (13)~~ 11.1304 (9), the board shall conduct an audit of reports and statements which are required to be filed with it to determine whether violations of ch. 11 have occurred. The board may examine records relating to matters required to be treated in such reports and statements. The board shall make official note in the file of a ~~candidate,~~ committee~~, group or individual under ch. 11~~, as defined in s. 11.0101 (6), of any error or other discrepancy which the board discovers and shall inform the person submitting the report or statement. The board may not audit reports, statements, or records beyond the 3−year period for which a committee must retain records under ch. 11.

SECTION 3. 5.05 (2m) (d) 2. of the statutes is amended to read:

5.05 **(2m)** (d) 2. No employee of the board, while so employed, may become a candidate, as defined in s. ~~11.01 (1)~~ 11.0101 (1), for a state or partisan local office. No individual who is retained by the board to serve as a special investigator or as special counsel may, while so retained, become a candidate, as defined in s. ~~11.01 (1)~~

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

11.0101 (1), for any state or local office. A filing officer shall decline to accept nomination papers or a declaration of candidacy from any individual who does not qualify to become a candidate under this paragraph.

Section 4. 5.05 (2m) (e) of the statutes is amended to read:

5.05 **(2m)** (e) No individual who serves as an employee of the board and no individual who is retained by the board to serve as a special investigator or a special counsel may, while so employed or retained, make a contribution~~, as defined in s. 11.01 (6),~~ to a candidate for state or local office. No individual who serves as an employee of the board and no individual who is retained by the board to serve as a special investigator or as special counsel, for 12 months prior to becoming so employed or retained, may have made a contribution~~, as defined in s. 11.01 (6),~~ to a candidate for a partisan state or local office. In this paragraph, contribution has the meaning given in s. 11.0101 (8).

Section 5. 5.05 (5e) of the statutes is amended to read:

5.05 **(5e)** Biennial report. The board shall include in its biennial report under s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a summary of its determinations and advisory opinions issued under sub. (6a). Except as authorized or required under sub. (5s) (f) 2., the board shall make sufficient alterations in the summaries to prevent disclosing the identities of individuals or organizations involved in the decisions or opinions. The board may also include in its biennial report any information compiled under s. ~~11.21 (7)~~ 11.1304 (14). The board shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as it deems desirable.

Section 6. 6.87 (3) (b) of the statutes is amended to read:

6.87 **(3)** (b) No elector may direct that a ballot be sent to the address of a ~~candidate, political party or other registrant~~ committee registered with the board under ~~s. 11.05~~ chapter 11 unless the elector permanently or temporarily resides at that address. Upon receipt of reliable information that an address given by an elector is not eligible to receive ballots under this subsection, the municipal clerk shall refrain from mailing or transmitting ballots to that address. Whenever possible, the municipal clerk shall notify an elector if his or her ballot cannot be mailed or transmitted to the address directed by the elector.

Section 7. 7.23 (1) (d) of the statutes is amended to read:

7.23 **(1)** (d) ~~Except as provided in s. 11.21 (11) (a), financial~~ Financial reports may be destroyed 6 years after the date of receipt. Financial registration statements may be destroyed 6 years after termination of registration.

Section 8. 7.40 of the statutes is amended to read:

7.40 Sample ballots. Any ~~individual,~~ committee ~~or candidate~~ may, at ~~their~~ its own expense~~,~~ and subject to limitations upon contributions and disbursements under ch. 11, ~~may~~ print a supply of sample ballots, provided ~~they bear on their~~ each sample ballot includes on its face the information required by s. ~~11.30~~ 11.1303 (2) and ~~they contain~~ all the names shown on the official ballot. In this section, committee has the meaning given in s. 11.0101 (6).

Section 9. 7.50 (2) (em) of the statutes is amended to read:

7.50 **(2)** (em) Except as otherwise provided in this paragraph, write−in votes shall only be counted if no candidates have been certified to appear on the ballot. If ~~candidates have~~ a candidate has been certified to appear on the ballot, write−in votes may only be counted for ~~candidates who file~~ a candidate that files a registration ~~statements~~ statement under s. ~~11.05 (2g)~~ 11.0202 (1) (a) no later than noon on the Friday immediately preceding the election. If a candidate certified to appear on the ballot dies or withdraws before the election, all write−in votes shall be counted. When write−in votes are counted, every vote shall be counted for the candidate for whom it was intended, if the elector's intent can be ascertained from the ballot itself.

Section 10. 8.05 (1) (j) 2. of the statutes is amended to read:

8.05 **(1)** (j) 2. Upon receipt of the notice, each candidate shall file a declaration of candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the notification no later than 5 p.m. on the 5th day after the notification is mailed or personally delivered to the candidate by the municipal clerk, except as authorized in this paragraph. If an incumbent whose name is certified as a nominee fails to file a declaration of candidacy within the time prescribed by this paragraph, each certified candidate for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy no later than 72 hours after the latest time prescribed in this paragraph. If the candidate has not filed a registration statement under s. ~~11.05~~ 11.0202 (1) (a) at the time of the notification, the candidate shall file the statement with the declaration.

Section 11. 8.10 (5) of the statutes is amended to read:

8.10 **(5)** Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate has not filed a registration statement under s. ~~11.05~~ 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office or municipal judge shall also file a statement of economic interests with the board under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (2) (a), or no later than 4:30 p.m. on the next

business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (2) (a).

Section 12. 8.15 (4) (b) of the statutes is amended to read:

8.15 **(4)** (b) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. ~~11.05~~ 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (1), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (1).

Section 13. 8.16 (2) (c) of the statutes is amended to read:

8.16 **(2)** (c) If the person is a candidate for state or local office, the person files a registration statement under s. ~~11.05~~ 11.0202 (1) (a).

Section 14. 8.20 (6) of the statutes is amended to read:

8.20 **(6)** Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. ~~11.05~~ 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (8) (a).

Section 15. 8.30 (2) of the statutes is amended to read:

8.30 **(2)** If no registration statement has been filed by or on behalf of a candidate for state or local office in accordance with s. ~~11.05 (2g) or (2r)~~ 11.0202 (1) (a) by the applicable deadline for filing nomination papers by such candidate, or the deadline for filing a declaration of candidacy for an office for which nomination papers are not filed, the name of the candidate may not appear on the ballot. This subsection may not be construed to exempt a candidate from applicable penalties if he or she files a registration statement later than the time prescribed in ~~ss. 11.01 (1) and 11.05 (2g)~~ s. 11.0202 (1) (a).

Section 16. 8.35 (2) (a) of the statutes is amended to read:

8.35 **(2)** (a) If a vacancy occurs after nomination due to the death of a candidate of a recognized political party for a partisan office, the vacancy may be filled by the chairperson of the committee of the proper political party under s. 7.38, or the ~~personal campaign~~ candidate committee, if any, in the case of independent candidates. Similar vacancies in nominations of candidates for nonpartisan local offices may be filled by ~~the candidate's personal campaign~~ a candidate committee or, if ~~the candidate had~~ there is none, by the body which governs the local governmental unit in which the deceased person was a candidate for office. The chairperson, chief officer of the candidate committee, or clerk of the body making an appointment shall file a certificate of appointment with the official or agency with whom declarations of candidacy for the office are filed. For purposes of this paragraph, the official or agency need not recognize members of a ~~personal campaign~~ candidate committee whose names were not filed under s. ~~11.05~~ 11.0203 (1) (c) prior to the death of the candidate.

Section 17. 8.35 (2) (c) of the statutes is amended to read:

8.35 **(2)** (c) The official or agency with whom a proper certificate is filed under par. (b) shall promptly notify the candidate who is nominated and transmit to the candidate a declaration of candidacy form and, in the case of a candidate for state or local office, a ~~financial~~ registration statement form under s. ~~11.05~~ 11.0203 (1). No later than 5 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the new nominee by the official or agency, the nominee shall file a declaration of candidacy and, in the case of a candidate for state or local office, a registration statement under s. ~~11.05~~ 11.0203 (1). No later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to a new nominee for state office or municipal judge by the official or agency, the nominee shall file a statement of economic interests under s. 19.43 (4). If the nominee fails to file the declaration of candidacy, the official or agency may refuse to place the candidate's name on the ballot. If the nominee fails to file the registration statement or statement of economic interests, the official or agency may not place the candidate's name on the ballot.

Section 18. 8.35 (4) (c) of the statutes is amended to read:

8.35 **(4)** (c) The ~~transfer~~ treasurer of the former candidate's committee shall ~~be reported to the appropriate filing officer in a special report submitted by the former candidate's campaign treasurer~~ submit to the appropriate filing officer a special report detailing the disposition of funds under par. (a) 1. If the former candidate is deceased and was serving as the treasurer of his or her own campaign ~~treasurer~~ committee, the former candidate's petitioner or personal representative shall file the report. The report shall include a complete statement of all contributions, disbursements, and incurred obligations, pursuant to s. ~~11.06 (1)~~ 11.0204 (1), covering the period from the day after the last date covered on the former candidate's most recent report to the date of disposition.

SECTION 19. 8.35 (4) (d) of the statutes is amended to read:

8.35 **(4)** (d) The newly appointed candidate shall file his or her report at the next appropriate interval under s. ~~11.20 (2) or (4)~~ 11.0204 after his or her appointment. The appointed candidate shall include any transferred funds in his or her first report.

SECTION 20. 8.35 (4) (e) of the statutes is amended to read:

8.35 **(4)** (e) Any person who violates this subsection may be punished as provided under s. ~~11.60~~ 11.1400 or ~~11.61~~ 11.1401.

SECTION 21. 8.50 (3) (a) of the statutes is amended to read:

8.50 **(3)** (a) Nomination papers may be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. 28 days before the day that the special primary will or would be held, if required, except when a special election is held concurrently with the spring election or general election, the deadline for filing nomination papers shall be specified in the order and the date shall be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no later than 35 days prior to the date of the spring primary or no later than June 1 preceding the partisan primary. Nomination papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate shall file a declaration of candidacy in the manner provided in s. 8.21 no later than the latest time provided in the order for filing nomination papers. If a candidate for state or local office has not filed a registration statement under s. ~~11.05~~ 11.0202 (1) (a) at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board no later than the end of the 3rd day following the last day for filing nomination papers specified in the order.

SECTION 22. 9.01 (5) (bm) of the statutes is amended to read:

9.01 **(5)** (bm) Upon the completion of its proceedings, a board of canvassers shall deliver to the board one copy of the minutes of the proceedings kept under par. (a). In addition, in the case of a recount of an election for state or national office, for each candidate whose name appears on the ballot for that office under the name of a political party, the board of canvassers shall deliver one copy of the minutes to the chief officer, if any, who is named in any registration statement filed under s. ~~11.05 (1)~~ 11.0302 by the state committee of that political party, and in the case of a recount of an election for county office, for each candidate whose name appears on the ballot for that office under the name of a political party, the board of canvassers shall deliver one copy of the minutes to the chief officer, if any, who is named in any registration statement filed under s. ~~11.05 (1)~~ 11.0302 by the county committee of that political party.

SECTION 23. 9.10 (2) (d) of the statutes is amended to read:

9.10 **(2)** (d) No petition may be offered for filing for the recall of an officer unless the petitioner first files a registration statement under s. ~~11.05 (1) or (2)~~ 11.0902 with the filing officer with whom the petition is filed. The petitioner shall append to the registration a statement indicating his or her intent to circulate a recall petition, the name of the officer for whom recall is sought and, in the case of a petition for the recall of a city, village, town, town sanitary district, or school district officer, a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought. No petitioner may circulate a petition for the recall of an officer prior to completing registration. The last date that a petition for the recall of an officer may be offered for filing is 5 p.m. on the 60th day commencing after registration. After the recall petition has been offered for filing, no name may be added or removed. No signature may be counted unless the date of the signature is within the period provided in this paragraph.

SECTION 24. Chapter 11 of the statutes is repealed and recreated to read:

CHAPTER 11
CAMPAIGN FINANCING

SUBCHAPTER I
GENERAL PROVISIONS

11.0100 Construction. This chapter shall be construed to impose the least possible restraint on persons whose activities do not directly affect the elective process, consistent with the right of the public to have a full, complete, and readily understandable accounting of those activities expressly advocating for or against candidates for office or for or against referendums. Nothing in this chapter may be construed to regulate issue discussion, debate, or advocacy; grassroots outreach or lobbying; nonpartisan voter registration or turnout efforts; or the rights of the media.

11.0101 Definitions. In this chapter:

(1) "Candidate" means an individual about whom any of the following applies:

(a) The individual takes any of the following affirmative actions to seek nomination or election to a state or local office:

1. Files nomination papers with the appropriate filing officer.

2. Is nominated as a candidate for state or local office by a caucus under s. 8.05 (1) or by a political party and the nomination is certified to the appropriate filing officer.

3. Receives a contribution, makes a disbursement, or gives consent for another person to receive a contribution or make a disbursement in order to bring about the individual's nomination or election to a state or local office.

(b) The individual holds a state or local office and is the subject of a recall petition.

(c) The individual holds a state or local office.

(2) "Candidate committee" means a committee authorized by a candidate or a candidate's agent to make or accept contributions or make disbursements in support of a candidate's campaign.

(3) "Candidate's agent" means an individual who has control over the day−to−day operation of the candidate committee, but does not include an employee of a political party or a legislative campaign committee that is not also an employee of the candidate.

(4) "Charitable organization" means any organization described in section 170 (c) (2) of the Internal Revenue Code.

(5) "Clearly identified" means any of the following with regard to a communication supporting or opposing a candidate:

(a) The candidate's name appears or is stated.

(b) A photograph or drawing of the candidate appears.

(c) The candidate's identity is apparent by unambiguous reference.

(6) "Committee" means a candidate committee, legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, and referendum committee.

(7) "Conduit" means a person other than an individual that receives a contribution of money, deposits the contribution in an account held by the person, and releases the contribution to a candidate committee, legislative campaign committee, political party, or political action committee at the direction of the contributor.

(8) (a) Except as provided in par. (b), "contribution" means any of the following:

1. A gift, subscription, loan, advance, or transfer of money to a committee.

2. With the committee's consent under s. 11.1109, a transfer of tangible personal property or services to a committee, valued as provided under s. 11.1105.

3. A transfer of funds between committees.

4. The purchase of a ticket for a fundraising event for a committee regardless of whether the ticket is used to attend the event.

(b) "Contribution" does not include any of the following:

1. Services that an individual provides to a committee, if the individual is not specifically compensated for providing the services to the committee.

2. Any unreimbursed travel expenses that an individual incurs to volunteer his or her personal services to a committee.

3. The costs of preparing and transmitting personal correspondence.

4. Interest earned on an interest−bearing account.

5. Rebates or awards earned in connection with the use of a debit or credit card.

6. A loan from a commercial lending institution that the institution makes in its ordinary course of business.

7. The reuse of surplus materials or the use of unused surplus materials acquired in connection with a previous campaign for or against the same candidate, political party, or recall if the materials were previously reported as a contribution.

8. The cost of invitations, food, and beverages in connection with an event held in a private residence on behalf of a candidate committee.

9. Any communication that does not expressly advocate for the election or defeat of a clearly identified candidate.

10. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization.

11. Any cost incurred to conduct Internet activity by an individual acting in his or her own behalf, or acting in behalf of another person if the individual is not compensated specifically for those services, including the cost or value of any computers, software, Internet domain names, Internet service providers, and any other technology that is used to provide access to or use of the Internet, but not including professional video production services purchased by the individual.

12. Any news story, commentary, or editorial by a broadcasting station, cable television operator, producer, or programmer, Internet site, or newspaper or other periodical publication, including an Internet or other electronic publication unless a committee owns the medium in which the news story, commentary, or editorial appears.

13. An expenditure of funds by a sponsoring organization for a political action committee's administrative or solicitation expenses.

14. An expenditure of funds by a sponsoring organization for an independent expenditure committee's administrative or solicitation expenses.

15. An expenditure of funds by a sponsor, as defined in s. 11.0705 (1), for a conduit's administrative or solicitation expenses.

(9) "Corporation" includes a foreign limited liability company, as defined in s. 183.0102 (8) and a limited liability company, as defined in s. 183.0102 (10), if the foreign limited liability company or the limited liability company elect to be treated as a corporation by the federal internal revenue service, pursuant to 26 CFR 301.7701−3, or if the foreign limited liability company or the limited liability company has publicly traded shares.

(10) (a) "Disbursement" means any of the following:

1. An expenditure by a committee from the committee's depository account.

2. The transfer of tangible personal property or services by a committee.

3. A transfer of funds between committees.

(b) "Disbursement" does not include any of the following:

1. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting or aiding the organization.

2. A communication or Internet activity by an individual acting in his or her own behalf, or acting in behalf of another person if the individual is not compensated specifically for those services, including the cost or value of computers, software, Internet domain names, Internet service providers, and any other technology that is used to provide access to or use of the Internet, but not including professional video production services purchased by the individual.

3. Any news story, commentary, or editorial by a broadcasting station, cable television operator, producer, or programmer, Internet site, or newspaper or other periodical publication, including an Internet or other electronic publication unless a committee owns the medium in which the news story, commentary, or editorial appears.

4. A nominal fee paid for a communication to the general public.

5. An expenditure of funds by a sponsoring organization for a political action committee's administrative or solicitation expenses.

6. An expenditure of funds by a sponsoring organization for an independent expenditure committee's administrative or solicitation expenses.

7. An expenditure of funds by a sponsor, as defined in s. 11.0705 (1), for a conduit's administrative or solicitation expenses.

8. An expenditure of funds for a political action committee's fundraising and administrative expenses.

9. An expenditure of funds for an independent expenditure committee's fundraising and administrative expenses.

10. An expenditure of funds for a conduit's fundraising and administrative expenses.

(11) "Express advocacy" means a communication that contains terms such as the following with reference to a clearly identified candidate and that unambiguously relates to the election or defeat of that candidate:

(a) "Vote for".

(b) "Elect".

(c) "Support".

(d) "Cast your ballot for".

(e) "Smith for ... (an elective office)".

(f) "Vote against".

(g) "Defeat".

(h) "Reject".

(i) "Cast your ballot against".

(12) "Federal account committee" means a committee of a state political party organization that makes contributions to candidates for national office and is registered with the federal election commission.

(13) "Federal candidate committee" means a committee of a candidate for the U.S. senate or house of representatives from this state that the candidate designates under 2 USC 432 (e).

(14) "Filing officer" means the board or official assigned to a committee or conduit under s. 11.0102.

(15) "General election" means the election held in even−numbered years on the Tuesday after the first Monday in November to elect United States senators, representatives in congress, presidential electors, state senators, representatives to the assembly, district attorneys, state officers other than the state superintendent and judicial officers, and county officers other than supervisors and county executives.

(16) "Independent expenditure" means an expenditure for express advocacy by a person, if the expenditure is not made in coordination with a candidate, candidate committee, candidate's agent, legislative campaign committee, or political party, as prohibited under s. 11.1203.

(17) "Independent expenditure committee" means any person, other than an individual, or any permanent or temporary combination of 2 or more persons unrelated by marriage that satisfies any of the following:

1. It has the major purpose of making independent expenditures, as specified in the person's organizational or governing documents, the person's bylaws, resolutions of the person's governing body, or registration statements filed by the person under this chapter.

2. It uses more than 50 percent of its total spending in a 12−month period on independent expenditures and expenditures made to support or defeat a referendum. In this subdivision, total spending does not include a committee's fundraising or administrative expenses.

(18) "Intentionally" has the meaning given in s. 939.23 (3).

(18m) "Internet activity" includes sending or forwarding an electronic message; providing a hyperlink or other direct access on a person's Internet site to an Internet site operated by another person; blogging; creating, maintaining, or hosting an Internet site; payment by a person of a nominal fee for the use of an Internet site operated by another person; or any other form of communication distributed over the Internet.

(19) "Legislative campaign committee" means a committee organized in either house of the legislature to support a candidate of a political party for legislative office.

(21) "National political party committee" means a national committee as defined in 2 USC 431 (14).

(22) "Negotiable instrument" includes an electronic transfer of funds.

(23) "Obligation" means any express agreement to make a disbursement, including all of the following:

(a) A loan or loan guarantee.

(b) A promise or a payment to purchase, rent, or lease tangible personal property.

(c) A promise or a payment for a service that has been or will be performed.

(24) "Partisan primary" means the primary held the 2nd Tuesday in August to nominate candidates to be voted for at the general election.

(25) (a) Subject to par. (b), "political action committee" means any person, other than an individual, or any permanent or temporary combination of 2 or more persons unrelated by marriage that satisfies any of the following:

1. It has the major purpose of express advocacy, as specified in the person's organizational or governing documents, the person's bylaws, resolutions of the person's governing body, or registration statements filed by the person under this chapter.

2. It uses more than 50 percent of its total spending in a 12−month period on expenditures for express advocacy, expenditures made to support or defeat a referendum, and contributions made to a candidate committee, legislative campaign committee, or political party. In this subdivision, total spending does not include a committee's fundraising or administrative expenses.

(b) "Political action committee" does not include a candidate committee, legislative campaign committee, political party, or recall committee.

(26) (a) "Political party" means all of the following:

1. A state committee under whose name candidates appear on a ballot at any election and all county, legislative, local, and other affiliated committees authorized to operate under the same name.

2. A committee described under subd. 1. that makes and accepts contributions and makes disbursements to support or oppose a candidate for state or local office or to support or oppose a referendum held in this state.

(b) "Political party" does not include a legislative campaign committee.

(27) "Recall committee" means a committee formed for the purpose of supporting or opposing the recall of any of the following:

(a) An incumbent elective official holding a state office.

(b) An incumbent elective official holding a local office.

(28) "Referendum committee" means an entity that satisfies all of the following:

(a) It satisfies either of the following:

1. It has the major purpose of making expenditures to support or defeat a referendum, as specified in the entity's organizational or governing documents, the entity's bylaws, resolutions of the entity's governing body, or registration statements filed by the entity under this chapter.

2. It uses more than 50 percent of its total spending in a 12−month period on expenditures made to support or defeat a referendum. In this subdivision, total spending does not include a committee's fundraising or administrative expenses.

(b) It is organized by any person, other than an individual, or by any permanent or temporary combination of 2 or more persons unrelated by marriage.

(c) It does not receive contributions or make disbursements or contributions for the purpose of influencing or attempting to influence a candidate's nomination or election.

(29) "Special election" means any election, other than those described in subs. (15), (24), (30), (32), and (33) to fill vacancies or to conduct a referendum.

(30) "Special primary" means the primary held 4 weeks before the special election, except as follows:

(a) If the special election is held on the same day as the general election, the special primary shall be held on the same day as the general primary.

(b) If the special election is held concurrently with the spring election, the primary shall be held concurrently with the spring primary.

(31) "Sponsoring organization" means an entity that establishes, administers, or financially supports a political action committee or an independent expenditure committee.

(32) "Spring election" means the election held on the first Tuesday in April to elect judicial, educational, and municipal officers, nonpartisan county officers and sewerage commissioners, and to express preferences for the person to be the presidential candidate for each political party in a year in which electors for president and vice president are to be elected.

(33) "Spring primary" means the nonpartisan primary held on the 3rd Tuesday in February to nominate nonpartisan candidates to be voted for at the spring election.

(34) "Treasurer" means the individual who registers a committee with a filing officer and who makes reports on behalf of the committee.

11.0102 Determination of filing officer and duty to file; fees. (1) Each committee and conduit required to register and report under this chapter shall have and shall file each registration statement and report required under this chapter with one filing officer as follows:

(a) The following shall file with the board:

1. A candidate committee of a candidate for state office, as defined in s. 5.02 (23).

2. A conduit.

3. A legislative campaign committee.

4. A political action committee.

4m. An independent expenditure committee.

5. A political party.

6. A recall committee as defined in s. 11.0101 (27) (a).

7. Except as provided in pars. (f) and (g), a referendum committee.

(b) Subject to pars. (c) and (d), a candidate committee for a candidate seeking local office shall file with the clerk of the most populous jurisdiction for which the candidate seeks office.

(c) A candidate committee for a candidate for municipal judge elected under s. 755.01 (4) shall file with the county clerk or board of election commissioners of the county having the largest portion of the population in the jurisdiction served by the judge.

(d) A candidate committee for a candidate for school board member shall file with the school district clerk.

(e) A recall committee as defined in s. 11.0101 (27) (b) shall file with the filing officer for candidates for that office.

(f) A referendum committee acting to support or oppose any local referendum, other than a school district referendum, shall file with the clerk of the most populous jurisdiction in which the referendum will be conducted.

(g) A referendum committee acting to support or oppose a school district referendum shall file with the school district clerk.

(2) (a) Except as provided in pars. (c) and (d), each committee that is required to register under this chapter shall annually pay a filing fee of $100 to the board. The board may accept payment under this subsection by credit card, debit card, or other electronic payment mechanism, and may charge a surcharge to that committee to recover the actual costs associated with the acceptance of that electronic payment.

(b) A committee that is subject to par. (a) shall pay the fee specified in par. (a) together with the report filed by that committee on the 15th day of the month of January in each year. If a committee that is subject to par. (a) registers under this chapter or changes status so that par. (a) becomes applicable to the committee during a calendar year, the committee shall pay the fee for that year with the filing of the committee's registration statement or at any time before the change in status becomes effective.

(c) Paragraph (a) does not apply to a candidate committee.

(d) Paragraph (a) does not apply to any committee for any year during which the committee does not make disbursements exceeding a total of $2,500.

(3) Each filing officer, other than the board, shall do all of the following:

(a) Obtain the forms and manuals prescribed by the board under s. 11.1304 (1) and (3) and election laws provided by the board under s. 7.08 (4).

(b) Develop a filing, coding, and cross−indexing system consonant with the purposes of this chapter.

(c) Make all of the following available, without charge, to any committee required to file reports or statements with the officer:

1. Forms prescribed by the board for the making of reports and statements. The filing officer shall notify the committee that all forms are available on the board's Internet site. Whenever a filing officer sends a form or notice of the filing requirements under this chapter to the treasurer of a candidate committee, the filing officer shall also send a notice to the candidate.

2. Upon request, copies of manuals under par. (a).

(d) The filing officer shall provide copies of manuals and election laws to persons other than a committee under par. (c) at cost.

(e) Notify the board, in writing, of any facts within the filing officer's knowledge or evidence in the officer's possession, including errors or discrepancies in reports or statements and delinquencies in filing which may be grounds for civil action or criminal prosecution. The board may transmit a copy of the notification submitted under this paragraph to the district attorney.

(f) Make available a list of delinquents for public inspection.

(g) Compile and maintain on an electronic system a current list of all reports and statements received by or required of and pertaining to each committee registered under this chapter.

(h) Make the reports and statements filed with the officer available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which they are received.

(i) Upon the request of any person, permit copying of any report or statement described under par. (g) at cost.

(j) Determine whether each report or statement required to be filed under this chapter has been filed in the form and by the time prescribed by law, and whether it conforms on its face to the requirements of this chapter. The officer shall immediately send to any committee that is delinquent in filing, or that has filed otherwise than in the proper form, a notice that the committee has failed to comply with this chapter. Whenever a candidate committee has appointed an individual other than the candidate as campaign treasurer, the board shall send the notice to both the candidate and the treasurer of the candidate committee.

11.0103 Reporting; general. (1) REPORT MUST BE COMPLETE. (a) Each committee and conduit required to register under this chapter shall be subject to the reporting requirements applicable to that committee or conduit. Each committee and conduit required to file a report under this chapter shall make a good faith effort to obtain all required information.

(b) Failure to receive a form or notice from a filing officer does not exempt a committee or conduit from a reporting requirement under this chapter.

(2) CONTRIBUTIONS; WHEN RECEIVED; WHEN REPORTED. (a) 1. A contribution is received by a candidate committee for purposes of this chapter when it is under the control of the candidate or the treasurer or agent of the candidate.

2. A contribution is received by a committee for purposes of this chapter when it is under the control of the treasurer or agent of the committee.

(b) Unless it is returned or donated within 15 days of receipt under par. (a), a contribution must be reported as received on the date received.

(3) CONTENTS OF REPORT; FILING DATES; CERTIFICATION; SHORT FORM; CONTENTS. (a) A committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period, and shall include all contributions received, disbursements made, and obligations incurred as of the end of:

1. The 15th day preceding the primary or election in the case of the preprimary and preelection report.

2. The last day of the immediately preceding month in the case of a continuing report required under this chapter.

3. The 22nd day following the special election in the case of a postelection report required under this chapter.

(b) Each committee shall ensure that each report is filed with the appropriate filing officer on the dates designated in this chapter. In the event that any report is required to be filed under this chapter on a nonbusiness day, a committee may file the report on the next business day thereafter.

(c) 1. Except as provided in subd. 2., the committee's treasurer shall certify to the correctness of each report filed under this chapter.

2. Either the candidate or the treasurer of the candidate's committee shall certify to the correctness of each report filed under this chapter.

(d) The board shall prescribe a simplified, short form for compliance with this section by a committee treasurer who has not engaged in any financial transaction since the last date included on the treasurer's preceding report.

(4) PREPRIMARY AND PREELECTION REPORTS; INACTIVITY. (a) A contribution made or accepted, a disbursement made, or an obligation incurred to support or oppose a candidate at a primary that is made, accepted, or incurred during the period covered by the preprimary report is considered to be made, accepted, or incurred to support or oppose that candidate at the primary, regardless of whether the candidate is opposed at the primary.

(b) A contribution made or accepted, disbursement made, or obligation incurred to support or oppose a candidate at an election that is made, accepted, or incurred during the period covered by the preelection report is considered to be made, accepted, or incurred to support or oppose that candidate at the election, regardless of whether the candidate is opposed at the election.

(c) 1. a. Except as provided in subd. 2., a committee that makes or accepts a contribution, makes a disbursement, or incurs an obligation to support or oppose a candidate at a primary during the period covered by the preelection report, but does not engage in such activity during the period covered by the preprimary report, is not required to file a preprimary report.

b. Except as provided in subd. 2., a committee that makes or accepts a contribution, makes a disbursement, or incurs an obligation to support or oppose a candidate at an election during the period covered by the report that follows the preelection report, but does not engage in such activity during the period covered by the preelection report, is not required to file a preelection report.

2. A candidate committee that makes or accepts a contribution, makes a disbursement, or incurs an obligation to support or oppose a candidate at a primary during the period covered by the preprimary report shall file both the preprimary and preelection reports, regardless of whether the candidate committee engages in such activity during the period covered by the preelection report.

(5) NONRESIDENT REPORTING. Notwithstanding the reporting requirements that would otherwise apply under this chapter, but subject to the applicable thresholds for submitting reports, a committee that does not maintain an office or a street address in this state shall submit reports on a form prescribed by the board of all disbursements made and obligations incurred with respect to an election for a state or local office in this state and contributions from sources in this state.

11.0104 Reporting exemptions: limited activity. **(1)** (a) Except as provided in par. (b), any committee which does not anticipate accepting or making contributions, making disbursements, or incurring obligations, and any conduit which does not anticipate accepting or releasing contributions, in an aggregate amount exceeding $2,000 in a calendar year may file an amended registration statement with the appropriate filing officer indicating that fact. The committee or conduit shall certify the amended registration in the manner required under s. 11.0103 (3) (c) and shall include the information required to be reported by that committee or conduit on its continuing reports.

(b) In no case may a candidate committee file an amended registration under this section covering any period ending sooner than the date of the election in which the candidate committee is participating.

(2) Upon receipt of a properly executed amended registration by a committee or conduit, the appropriate filing officer shall suspend the requirement imposed upon that committee or conduit by this chapter to file continuing reports. An indication of limited activity under this section is effective only for the calendar year in

which it is granted, unless the committee or conduit alters its status before the end of such year or files a termination report under s. 11.0105.

(3) An indication of limited activity made under sub. (1) may be revoked. If revoked, the committee or conduit shall comply with the reporting requirements applicable to the committee or conduit under this chapter as of the date of revocation, or the date that aggregate contributions, disbursements, or obligations for the calendar year exceed $2,000. If the revocation is not timely, the committee or conduit violates s. 11.1201.

(4) A committee or conduit that files an amended registration statement under sub. (1) is not required to file a termination report under s. 11.0105.

(5) If a committee or conduit files an amended registration statement under sub. (1) and within 60 days thereafter receives and accepts an unanticipated contribution, the committee or conduit shall do one of the following within 60 days after receipt of the unanticipated contribution:

(a) File an amended registration statement. An amended registration statement supersedes the previous registration statement. The individual who certifies to the accuracy of the registration statement shall also certify that the amended registration statement is filed on account of the receipt of unanticipated contributions and the failure to file a correct registration statement was not intentional.

(b) Return the contribution to the contributor or donate the contribution to the common school fund or to a charitable organization.

11.0105 Reporting exemptions: dissolution of committee or conduit and termination reports. (1) (a) Except as provided in par. (b) and s. 11.0104 (4), whenever any committee or conduit dissolves or determines that obligations will no longer be incurred, contributions will no longer be received or, in the case of a conduit, accepted and released, and disbursements will no longer be made during a calendar year, and the committee has no outstanding incurred obligations, the committee or conduit shall file with the appropriate filing officer a termination report that indicates a cash balance of zero at the end of the reporting period. The committee or conduit shall certify the termination report in the manner required under s. 11.0103 (3) (c) and the committee shall include the information required to be reported by that committee on its continuing reports.

(b) In no case may a candidate committee file a termination report covering any period ending sooner than the date of the election in which the candidate committee is participating.

(2) A committee to which s. 11.0102 (2) applies shall pay the fee imposed under that subsection with a termination report filed under this section.

(3) The committee shall include in the termination report filed under this section the manner in which residual funds were disposed. Residual funds may be used for any purpose not prohibited by law, returned to the donors in an amount not exceeding the original contribution, or donated to a charitable organization or the common school fund.

(4) If a committee files a termination report under sub. (1) and within 60 days thereafter receives and accepts an unanticipated contribution, the committee shall do one of the following within 60 days after receipt of the unanticipated contribution:

(a) File an amended termination report. An amended report supersedes the previous report. The individual who certifies to the accuracy of the report shall also certify to a statement that the amended report is filed on account of the receipt of unanticipated contributions and the failure to file a correct termination report was not intentional.

(b) Return the contribution to the contributor or donate the contribution to the common school fund or to a charitable organization.

11.0106 Disbursements; form. Every disbursement which is made by a committee registered under this chapter from the committee's depository account shall be made by negotiable instrument.

11.0107 Nonapplicability. Federal account committees, federal candidate committees, and national political party committees are not required to register or report under this chapter.

SUBCHAPTER II
CANDIDATE COMMITTEES

11.0201 Registration; treasurer and depositories. (1) Each candidate shall either designate a treasurer of his or her candidate committee to comply with the registration and reporting requirements under this subchapter or serve as the treasurer and comply with the registration and reporting requirements under this subchapter. If the candidate appoints a treasurer, the candidate and the candidate's treasurer shall cosign the registration statement of the candidate's committee.

(2) (a) The treasurer shall ensure that all funds received are deposited in the candidate committee depository account.

(b) Notwithstanding par. (a), any candidate who serves as his or her own treasurer and who is authorized to file and files an amended registration statement under s. 11.0104 may designate a single personal account as his or her candidate committee depository account, and may intermingle personal and other funds with campaign funds. If a candidate establishes a separate candidate committee depository account, the candidate shall transfer all campaign funds in the personal account to the new depository account. Disbursements made from a personal account under this paragraph need not be identified in accordance with s. 11.0106.

(3) No disbursement may be made or obligation incurred by or on behalf of a candidate committee with−

out the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the candidate committee in an organized and legible manner for not less than 3 years after the date of the election in which the candidate committee participates.

11.0202 Registration; timing; candidate committee required. (1) TIME OF REGISTRATION. (a) Each candidate, through his or her candidate committee, shall file a registration statement with the appropriate filing officer giving the information required under s. 11.0203 as soon as practicable after the individual qualifies as a candidate under s. 11.0101 (1).

(b) A candidate who receives no contributions, makes no disbursements, and incurs no obligations shall file the registration statement as provided in this subsection, but need not designate a campaign depository account until the first contribution is received, disbursement is made, or obligation is incurred.

(2) CANDIDATE COMMITTEE REQUIRED. (a) Except as provided in par. (b), no candidate may make or accept contributions, make disbursements, or incur obligations except through a candidate committee registered under this subchapter.

(b) A candidate does not violate this subsection by taking any of the following actions:

1. Accepting a contribution, making a disbursement, or incurring an obligation in the amount required to rent a postal box, or in the minimum amount required by a bank or trust company to open a checking account, prior to the time of registration, if the disbursement is properly reported on the first report submitted under s. 11.0204 after the date that the candidate committee is registered, whenever a reporting requirement applies to the candidate committee.

2. Accepting a contribution, making a disbursement, or incurring an obligation required for the production of nomination papers.

(c) Except as provided in par. (d), no candidate may establish more than one candidate committee.

(d) An individual who holds a state or local elective office may establish a second candidate committee under this subchapter for the purpose of pursuing a different state or local office.

11.0203 Registration; required information. (1) REQUIRED INFORMATION. The candidate committee shall indicate on the registration statement that it is registering as a candidate committee and shall include all of the following, where applicable, on the registration statement:

(a) The name and mailing address of the candidate committee.

(b) The name and mailing address of the candidate committee treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) In the case of a candidate committee of an independent candidate for partisan office or a candidate for nonpartisan county or municipal office, a list of the members of the committee, in addition to those specified in par. (b), if any, whom the filing officer shall recognize as eligible to fill a nomination vacancy if the candidate dies before the election.

(d) The name and address of the depository account of the candidate committee and of any other institution where funds of the committee are kept.

(2) CERTIFICATION. The individual responsible for filing or amending a candidate committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The candidate committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) A candidate or the treasurer of the candidate's committee may report a change in the candidate committee's registration statement.

11.0204 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS. (a) Each candidate, through his or her candidate committee, shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the candidate committee. The candidate committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the candidate committee, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the candidate committee has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the candidate committee for the calendar year are in excess of $200.

4. An itemized statement of each contribution made anonymously to the candidate committee. If the contribution exceeds $10, the candidate committee shall specify whether the candidate committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the candidate committee in an aggregate amount or value in excess of $20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding $20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding $20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from any other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The candidate committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS; CANDIDATES AT SPRING PRIMARY. A candidate committee of a candidate at a spring primary or of a candidate at a special primary held to nominate nonpartisan candidates to be voted for at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election shall do all of the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary. If a candidate for a nonpartisan state office at an election is not required to participate in a spring primary, the candidate committee shall file a preprimary report at the time prescribed in s. 11.0103 (4) preceding the date specified for the holding of the primary, were it to be required.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS; CANDIDATES AT SPRING ELECTIONS. A candidate committee of a candidate at a spring election or of a candidate at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(c) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS; CANDIDATES AT PARTISAN PRIMARY. A candidate committee of a candidate at a partisan primary or of a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election shall do all of the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS; CANDIDATES AT GENERAL ELECTIONS. A candidate committee of a candidate at a general election or of a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(d) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(6) REPORTS; CANDIDATES HOLDING OFFICE BUT NOT UP FOR ELECTION AT GENERAL ELECTION. A candidate committee of a candidate holding an office voted for at the general election but not up for election in the current election cycle shall do all of the following:

(a) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(b) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(7) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of $1,000 or more cumulatively are received by a candidate committee for a candidate for state office from a single contributor later than 15 days prior to a primary or election and the contribution or contributions are not included in the preprimary or preelection report required of the committee under this chapter, the treasurer of the committee or the individual receiving the contribution shall, within 72 hours of receipt, provide the appropriate filing officer with the information required to be reported for contributions received by the committee under this subchapter in such manner as the board may prescribe. The information shall also be included in the committee's next regular report.

11.0205 Transfers between candidates for governor and lieutenant governor. The candidate committee for governor and the candidate committee for lieutenant governor of the same political party may receive contributions and make disbursements for both candidates from either candidate committee's depository account.

11.0206 Soliciting funds on behalf of certain organizations. Notwithstanding s. 19.45 (2), a candidate may solicit a donation for use by a nonprofit organization with which he or she is associated, as defined in s. 19.42 (2).

11.0207 Continuing compliance. An individual does not cease to be a candidate for purposes of compliance with this chapter or ch. 12 after the date of an election and no candidate or candidate committee is released from any requirement or liability otherwise imposed under this chapter or ch. 12 simply because the election date has passed.

SUBCHAPTER III
POLITICAL PARTIES

11.0301 Registration; treasurer and depositories. **(1)** Each political party required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the political party depository account.

(3) No disbursement may be made or obligation incurred by or on behalf of the political party without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the political party in an organized and legible manner for not less than 3 years after the date of the election in which the political party participates.

11.0302 Registration; timing. Every political party that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose a candidate in a calendar year shall, upon its inception and prior to making or accepting any such contribution, making any such disbursement, or incurring any such obligation file a registration statement giving the information required by s. 11.0303.

11.0303 Registration; required information. **(1)** REQUIRED INFORMATION. The political party shall indicate on the registration statement that it is registering as a political party and shall include all of the following on the registration statement:

(a) The name and mailing address of the political party.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) The name and address of the depository account of the political party and of any other institution where funds of the political party are kept.

(2) CERTIFICATION. The individual responsible for filing or amending a political party's registration statement and any form or report required of the political party under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The political party shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of a political party may report a change in the political party's registration statement.

11.0304 Reporting. **(1)** CONTRIBUTIONS AND DISBURSEMENTS. (a) Each political party shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the political party. The political party shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the political party, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the political party has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the political party for the calendar year are in excess of $200.

4. An itemized statement of each contribution made anonymously to the political party. If the contribution exceeds $10, the political party committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the political party in an aggregate amount or value in excess of $20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding $20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding $20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The political party shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY. A political party that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring primary or a candidate at a special primary held to nominate nonpartisan candidates to be voted for at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary. If a candidate for a nonpartisan state office at an election is not required to participate in a spring primary, the political party shall file a preprimary report at the time prescribed in s. 11.0103 (4) preceding the date specified for the holding of the primary, were it to be required.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION. A political party that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring election or a candidate at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose committees engaging in such activities, shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(c) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. A political party that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a partisan primary or a candidate at a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. A political party that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a general election or a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to sup−

port or oppose committees engaging in such activities shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(d) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(6) REPORTS BY POLITICAL PARTY COMMITTEES. Every committee of a political party that is required to file statements and reports under this subchapter shall file all statements and reports with the board. A congressional, legislative, county, or local party committee may designate a state committee of a political party as its reporting agent for purposes of this subchapter, but such designation does not permit combining reports. The state committee treasurer shall inform the board of a designation made under this subsection.

(7) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of $1,000 or more cumulatively are received by a political party from a single contributor later than 15 days prior to a primary or election and the contribution or contributions are not included in the preprimary or preelection report required of the political party under this chapter, the treasurer of the political party shall, within 72 hours of receipt, provide the appropriate filing officer with the information required to be reported for contributions received by the political party under this subchapter in such manner as the board may prescribe. The information shall also be included in the political party's next regular report.

SUBCHAPTER IV

LEGISLATIVE CAMPAIGN COMMITTEES

11.0401 Registration; treasurer and depositories. **(1)** Each legislative campaign committee required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the legislative campaign committee depository account.

(3) No disbursement may be made or obligation incurred by or on behalf of a legislative campaign committee without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the legislative campaign committee in an organized and legible manner for not less than 3 years after the date of the election in which the legislative campaign committee participates.

11.0402 Registration; timing. Every legislative campaign committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose a candidate in a calendar year shall, upon its inception and prior to making or accepting any such contribution, making any such disbursement, or incurring any such obligation, file a registration statement giving the information required by s. 11.0403.

11.0403 Registration; required information. **(1)** REQUIRED INFORMATION. The legislative campaign committee shall indicate on the registration statement that it is registering as a legislative campaign committee and shall include all of the following on the registration statement:

(a) The name and mailing address of the legislative campaign committee.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) The name and address of the depository account of the legislative campaign committee and of any other institution where funds of the legislative campaign committee are kept.

(d) A statement signed by the leader of the party in the house for which the legislative campaign committee is established attesting to the fact that the legislative campaign committee is the only authorized legislative campaign committee for that party in that house.

(2) CERTIFICATION. The individual responsible for filing or amending a legislative campaign committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The legislative campaign committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of a legislative campaign committee may report a change in the committee's registration statement.

11.0404 Reporting. **(1)** CONTRIBUTIONS AND DISBURSEMENTS. (a) Each legislative campaign committee shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the committee. The legislative campaign committee shall include in each report

the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the legislative campaign committee, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the legislative campaign committee has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the legislative campaign committee for the calendar year are in excess of $200.

4. An itemized statement of each contribution made anonymously to the legislative campaign committee. If the contribution exceeds $10, the legislative campaign committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the legislative campaign committee in an aggregate amount or value in excess of $20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding $20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding $20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The legislative campaign committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. A legislative campaign committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a partisan primary or a candidate at a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. A legislative campaign committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a general election or a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(d) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of $1,000 or more cumulatively are received by a legislative campaign committee from a single contributor later than 15 days prior to a primary or election and the contribution or contributions are not included in the preprimary or preelection report required of the committee under this chapter, the treasurer of the committee shall, within 72 hours of receipt, provide the appropriate filing officer with the information required to be reported for contributions received by the committee under this subchapter in such manner as the board may

prescribe. The information shall also be included in the committee's next regular report.

SUBCHAPTER V

POLITICAL ACTION COMMITTEES

11.0501 Registration; treasurer and depositories. **(1)** Each political action committee required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the political action committee depository account.

(3) No disbursement may be made or obligation incurred by or on behalf of a political action committee without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the political action committee in an organized and legible manner for not less than 3 years after the date of the election in which the political action committee participates.

(5) No person may register more than one political action committee under this subchapter, except that a person may register both a political action committee under this subchapter and an independent expenditure committee under subchapter VI.

11.0502 Registration; timing. **(1)** Every political action committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose a candidate in a calendar year in an aggregate amount in excess of $2,500 shall file a registration statement giving the information required by s. 11.0503.

(2) A political action committee that triggers the registration requirement under sub. (1) shall file the registration statement no later than the 10th business day commencing after receipt of the first contribution by the political action committee exceeding the amount specified under sub. (1), before making any disbursement exceeding that amount, and before incurring obligations exceeding that amount.

11.0503 Registration; required information. **(1)** REQUIRED INFORMATION. The political action committee shall indicate on the registration statement that it is registering as a political action committee and shall include all of the following, where applicable, on the registration statement:

(a) The name and mailing address of the political action committee.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(d) The name and address of the depository account of the political action committee and of any other institution where funds of the committee are kept.

(e) The name and address of the political action committee's sponsoring organization, if any.

(2) CERTIFICATION. The individual responsible for filing or amending a political action committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The political action committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of a political action committee may report a change in the committee's registration statement.

11.0504 Reporting. **(1)** CONTRIBUTIONS AND DISBURSEMENTS. (a) Each political action committee shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the committee. The political action committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the political action committee, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the political action committee has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the political action committee for the calendar year are in excess of $200.

4. An itemized statement of each contribution made anonymously to the political action committee. If the contribution exceeds $10, the political action committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the political action committee in an aggregate amount or value in excess of $20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding $20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding $20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The political action committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY. A political action committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring primary or a candidate at a special primary held to nominate nonpartisan candidates to be voted for at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary. If a candidate for a nonpartisan state office at an election is not required to participate in a spring primary, the political action committee shall file a preprimary report at the time prescribed in s. 11.0103 (4) preceding the date specified for the holding of the primary, were it to be required.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION. A political action committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring election or a candidate at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(c) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. A political action committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a partisan primary or a candidate at a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. A political action committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a general election or a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(d) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the

special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

11.0505 Reporting; specific express advocacy. (1) DISBURSEMENTS. (a) A political action committee spending $2,500 or more in the aggregate on express advocacy shall submit statements to the board under par. (b) if the express advocacy is made during the period beginning on the day that is 60 days prior to the day of the primary or election involving the candidate identified under par. (b) 5. and ending on the day of the primary or election involving that candidate.

(b) A political action committee required to report under this section shall submit statements to the board providing all of the following information:

1. The dates on which the committee made the disbursements.

2. The name and address of the persons who received the disbursements.

3. The purpose for making the disbursements.

4. The amount spent for each act of express advocacy.

5. The name of any candidate identified in the express advocacy, the office that the candidate seeks, and whether the express advocacy supports or opposes that candidate.

6. An affirmation, made under oath, that the political action committee will comply with the prohibition on coordination under s. 11.1203 with respect to any candidate or agent or candidate committee who is supported or opposed by the express advocacy.

7. The name and mailing and street address of the political action committee's designated agent in this state.

(2) EXCEPTION. (a) A political action committee that is required to report under this section is not required to submit the information described under sub. (1) (b) regarding disbursements made before reaching the $2,500 threshold under sub. (1) (a). For purposes of this section, a disbursement for express advocacy is the amount spent directly on developing, producing, and disseminating the express advocacy.

(b) This section does not apply to any of the following:

1. A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any news organization, unless the facilities are controlled by any committee or candidate.

2. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization.

(3) TIMING. A political action committee that is required to report under this section shall submit the report to the board no later than 72 hours after making the disbursements.

SUBCHAPTER VI

INDEPENDENT EXPENDITURE COMMITTEES

11.0601 Registration; treasurer and depositories. (1) Each independent expenditure committee required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the independent expenditure committee depository account.

(3) (a) No disbursement may be made or obligation incurred by or on behalf of an independent expenditure committee without the authorization of the treasurer or a designated agent.

(b) An independent expenditure committee may not make a contribution to a committee, other than a referendum committee or another independent expenditure committee.

(4) The treasurer shall maintain the records of the independent expenditure committee in an organized and legible manner for not less than 3 years after the date of the election in which the independent expenditure committee participates.

(5) A person may register more than one independent expenditure committee under this subchapter.

11.0602 Registration; timing. (1) Every independent expenditure committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose a candidate in a calendar year in an aggregate amount in excess of $2,500 shall file a registration statement giving the information required by s. 11.0603.

(2) An independent expenditure committee that triggers the registration requirement under sub. (1) shall file the registration statement no later than the 10th business day commencing after receipt of the first contribution by the independent expenditure committee exceeding the amount specified under sub. (1), before making any disbursement exceeding that amount, and before incurring obligations exceeding that amount.

11.0603 Registration; required information. (1) REQUIRED INFORMATION. The independent expenditure committee shall indicate on the registration statement that it is registering as an independent expenditure committee and shall include all of the following on the registration statement:

(a) The name and mailing address of the independent expenditure committee.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by

rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) The name and address of the depository account of the independent expenditure committee and of any other institution where funds of the committee are kept.

(f) The name and address of the independent expenditure committee's sponsoring organization, if any.

(2) CERTIFICATION. The individual responsible for filing or amending an independent expenditure committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The independent expenditure committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of an independent expenditure committee may report a change in the committee's registration statement.

11.0604 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS. (a) Each independent expenditure committee shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the committee. The independent expenditure committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the independent expenditure committee, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the independent expenditure committee has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the independent expenditure committee for the calendar year are in excess of $200.

4. An itemized statement of each contribution made anonymously to the independent expenditure committee. If the contribution exceeds $10, the independent expenditure committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the independent expenditure committee in an aggregate amount or value in excess of $20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding $20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding $20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The independent expenditure committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY. An independent expenditure committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring primary or a candidate at a special primary held to nominate nonpartisan candidates to be voted for at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary. If a candidate for a nonpartisan state office at an election is not required to participate in a spring primary, the independent expenditure committee shall file a preprimary report at the time prescribed in s. 11.0103 (4) preceding the date specified for the holding of the primary, were it to be required.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION. An independent expenditure committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring election or a candidate at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(c) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. An independent expenditure committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a partisan primary or a candidate at a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. An independent expenditure committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a general election or a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(d) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

11.0605 Reporting; specific express advocacy. (1) DISBURSEMENTS. (a) An independent expenditure committee spending $2,500 or more in the aggregate on express advocacy shall submit statements to the board under par. (b) if the express advocacy is made during the period beginning on the day that is 60 days prior to the day of the primary or election involving the candidate identified under par. (b) 5. and ending on the day of the primary or election involving that candidate.

(b) An independent expenditure committee required to report under this section shall submit statements to the board providing all of the following information:

1. The dates on which the committee made the disbursements.

2. The name and address of the persons who received the disbursements.

3. The purpose for making the disbursements.

4. The amount spent for each act of express advocacy.

5. The name of any candidate identified in the express advocacy, the office that the candidate seeks, and whether the express advocacy supports or opposes that candidate.

6. An affirmation, made under oath, that the independent expenditure committee will comply with the prohibition on coordination under s. 11.1203 with respect to any candidate or agent or candidate committee who is supported or opposed by the express advocacy.

7. The name and mailing and street address of the independent expenditure committee's designated agent in this state.

(2) EXCEPTION. (a) An independent expenditure committee that is required to report under this section is not required to submit the information described under sub. (1) (b) regarding disbursements made before reaching the $2,500 threshold under sub. (1) (a). For purposes of this section, a disbursement for express advocacy is the amount spent directly on developing, producing, and disseminating the express advocacy.

(b) This section does not apply to any of the following:

1. A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any news organization, unless the facilities are controlled by any committee or candidate.

2. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization.

(3) TIMING. An independent expenditure committee that is required to report under this section shall submit the report to the board no later than 72 hours after making the disbursements.

SUBCHAPTER VII
CONDUITS

11.0701 Registration; administrator and depositories. (1) Each conduit required to register under this chapter shall designate an administrator to comply with the registration and reporting requirements under this subchapter.

(2) The administrator shall ensure that all funds received are deposited in the conduit depository account.

(3) Except as provided in s. 11.0705, the conduit administrator may release a contribution to a committee only upon the contributor's direction.

(4) The administrator shall maintain the records of the conduit in an organized and legible manner for not less than 3 years after the date of the election in which the conduit participates.

11.0702 Registration; timing. Every conduit that accepts and releases contributions made to support or oppose a candidate in a calendar year shall, upon its inception and prior to accepting or releasing any such contribution, file a registration statement giving the information required by s. 11.0703.

11.0703 Registration; required information. (1) REQUIRED INFORMATION. The conduit shall indicate on the registration statement that it is registering as a conduit and shall include all of the following, where applicable, on the registration statement:

(a) The name and mailing address of the conduit.

(b) The name and mailing address of the administrator of the conduit and any other custodian of books and accounts. Unless otherwise directed by the administrator on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the administrator at the administrator's address indicated upon the form.

(c) The name and address of the depository account of the conduit and of any other institution where funds of the conduit are kept.

(d) The name and mailing address of a sponsor, as defined in s. 11.0705 (1), to which contributions may be redirected as provided under s. 11.0705 (2).

(2) CERTIFICATION. The individual responsible for filing or amending a conduit's registration statement shall certify that all information contained in the statement is true, correct, and complete.

(3) CHANGE OF INFORMATION. The conduit shall report any change in information previously submitted in a registration statement within 10 days following the change. Any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement or by the conduit administrator.

11.0704 Reporting. (1) CONTRIBUTIONS. (a) Each conduit shall make full reports, upon a form prescribed by the board and certified by the administrator as required under s. 11.0103 (3) (c), providing the following information covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each committee to whom contributions were released during the reporting period, together with the sum total of all contributions released to that committee during the reporting period.

2. Whether, during the reporting period, any contribution was redirected to a sponsor as permitted under s. 11.0705.

(b) A conduit releasing a contribution of money to the recipient shall, in writing at the time the contribution is released, identify itself to the recipient as a conduit and report to the recipient the following information about each contribution released by it:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the conduit which contribution is being released to the recipient, together with the amount of the contribution.

2. The occupation, if any, of each individual contributor whose cumulative contributions to the recipient for the calendar year are in excess of $200.

(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY. A conduit that releases a contribution of money to a recipient to support or oppose one or more candidates for office at a spring primary or a candidate at a special primary held to nominate nonpartisan candidates to be voted for at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose committees engaging in such activities, shall, annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION. A conduit that releases a contribution of money to a recipient to support or oppose one or more candidates for office at a spring election or a candidate at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the

spring election, or to support or oppose committees engaging in such activities, shall do all the following:

(a) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(b) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. A conduit that releases a contribution of money to a recipient to support or oppose one or more candidates for office at a partisan primary or a candidate at a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose committees engaging in such activities, shall do all the following:

(a) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(b) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. A conduit that releases a contribution of money to a recipient to support or oppose one or more candidates for office at a general election or a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose committees engaging in such activities shall do all of the following:

(a) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(b) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(c) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

11.0705 Redirected contributions. (1) DEFINITIONS. In this section, "sponsor" means a person, other than an individual or a candidate committee, that is associated with a conduit.

(2) REDIRECTION. If all of the following apply, a conduit may redirect any contribution received from an individual to a sponsor or, if there is no sponsor, to an administrative fund of the conduit:

(a) The conduit has held the contribution for at least 24 consecutive months, including the 24 months immediately preceding March 29, 2014, over which time the individual or organization that made the contribution has made no contact with the conduit.

(b) Either of the following apply:

1. The conduit has, over the 24−month period described in par. (a), attempted in good faith to contact the individual that made the contribution at least 5 times, and has documented each such attempt, but has been unable to make contact with the individual. A conduit may satisfy the requirement to contact the individual by telephoning the individual at the last−known telephone number; by sending a text message to the individual at the last−known cellular telephone number or pager number capable of receiving text messages; by sending a facsimile transmission to the individual at the last−known facsimile transmission number; by sending a letter or postcard to the individual by U.S. mail; by sending a message by electronic mail; or by any combination of the foregoing. A conduit may not satisfy the requirement to attempt in good faith to contact the individual at least 5 times if all 5 attempted contacts occur within a period of 30 consecutive days.

2. The surviving spouse or executor of the estate of a deceased individual that made the contribution authorizes the redirection of the contribution.

SUBCHAPTER VIII
REFERENDUM COMMITTEES

11.0801 Registration; treasurer and depositories. (1) Each referendum committee required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the referendum committee depository account.

(3) No disbursement may be made or obligation incurred by or on behalf of a referendum committee without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the referendum committee in an organized and legible manner for not less than 3 years after the date of the election in which the referendum committee participates.

11.0802 Registration; timing. (1) Every referendum committee that makes or accepts contributions, makes disbursements, or incurs obligations for the purpose of influencing a particular vote at a referendum in a calendar year in an aggregate amount in excess of $10,000 shall file a registration statement giving the information required by s. 11.0803.

(2) A referendum committee that triggers the registration requirement under sub. (1) shall file the registration statement no later than the 10th business day commencing after receipt of the first contribution by the referendum committee exceeding the amount specified under sub. (1), before making any disbursement exceeding that amount, and before incurring obligations exceeding that amount.

11.0803 Registration; required information. (1) REQUIRED INFORMATION. The referendum committee

shall indicate on the registration statement that it is registering as a referendum committee and shall include all of the following on the registration statement:

(a) The name and mailing address of the referendum committee.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) The name and address of the depository account of the referendum committee and of any other institution where funds of the committee are kept.

(d) The nature of any referendum that is supported or opposed.

(2) CERTIFICATION. The individual responsible for filing or amending a referendum committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The referendum committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of a referendum committee may report a change in the committee's registration statement.

11.0804 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS. (a) Each referendum committee shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, or incurred by the committee. The referendum committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the referendum committee, together with the amount of the contribution.

2. The occupation, if any, of each individual contributor whose cumulative contributions to the referendum committee for the calendar year are in excess of $200.

3. An itemized statement of each contribution made anonymously to the referendum committee. If the contribution exceeds $10, the referendum committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

4. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 3.

5. A statement of the cash balance on hand at the beginning and end of the reporting period.

6. An itemized statement of each loan of money made to the referendum committee in an aggregate amount or value in excess of $20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

7. An itemized statement of every disbursement exceeding $20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

8. An itemized statement of every obligation exceeding $20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

9. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

10. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The referendum committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE A REFERENDUM AT SPRING PRIMARY. A referendum committee making or accepting contributions, making disbursements, or incurring obligations to support or oppose a referendum appearing on a spring primary ballot shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE A REFERENDUM AT SPRING ELECTION. A referendum committee making or accepting contributions, making disbursements, or incurring obligations to support or oppose a referendum appearing on a spring election ballot shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(4) REPORTS TO SUPPORT OR OPPOSE A REFERENDUM AT PARTISAN PRIMARY. A referendum committee making or accepting contributions, making disbursements, or incurring obligations in support of or in opposition to a referendum appearing on a partisan primary ballot shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS IN SUPPORT OF OR OPPOSITION TO A REFERENDUM AT GENERAL ELECTION. A referendum committee making or accepting contributions, making disbursements, or incurring obligations to support or oppose a referendum appearing on a general election ballot shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

SUBCHAPTER IX
RECALL COMMITTEES

11.0901 Registration; treasurer and depositories. **(1)** Each recall committee required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the recall committee depository account.

(3) No disbursement may be made or obligation incurred by or on behalf of a recall committee without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the recall committee in an organized and legible manner for not less than 3 years after the date of the election in which the recall committee participates.

11.0902 Registration; timing. **(1)** Every recall committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose a recall in a calendar year in an aggregate amount in excess of $2,000 shall file a registration statement giving the information required by s. 11.0903.

(2) A recall committee that triggers the registration requirement under sub. (1) shall file the registration statement no later than the 10th business day commencing after receipt of the first contribution by the recall committee exceeding the amount specified under sub. (1), before making any disbursement exceeding that amount, and before incurring obligations exceeding that amount.

11.0903 Registration; required information. **(1)** REQUIRED INFORMATION. The recall committee shall indicate on the registration statement that it is registering as a recall committee and shall include all of the following on the registration statement:

(a) The name and mailing address of the recall committee.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) The name and address of the depository account of the recall committee and of any other institution where funds of the committee are kept.

(2) CERTIFICATION. The individual responsible for filing or amending a recall committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The recall committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of a recall committee may report a change in the committee's registration statement.

11.0904 Reporting. **(1)** CONTRIBUTIONS AND DISBURSEMENTS. (a) Each recall committee shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions received, disbursements made, and obligations incurred by the committee. The recall committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the recall committee, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the recall

committee has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the recall committee for the calendar year are in excess of $200.

4. An itemized statement of each contribution made anonymously to the recall committee. If the contribution exceeds $10, the recall committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the recall committee in an aggregate amount or value in excess of $20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding $20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding $20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The recall committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE THE RECALL OF NONPARTISAN STATE OR LOCAL OFFICE HOLDER ELECTED AT SPRING ELECTION; PRIMARY. A recall committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose the recall of a nonpartisan state or local office holder, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the recall primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the recall election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE THE RECALL OF A NONPARTISAN STATE OR LOCAL OFFICE HOLDER ELECTED AT SPRING ELECTION; ELECTION. A recall committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose the recall of a nonpartisan state or local office holder, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the recall election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(4) REPORTS TO SUPPORT OR OPPOSE THE RECALL OF PARTISAN STATE OR LOCAL OFFICE HOLDER; PRIMARY. A recall committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose the recall of a partisan state or local office holder, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the recall primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the recall election.

(c) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS TO SUPPORT OR OPPOSE THE RECALL OF PARTISAN STATE OR LOCAL OFFICE HOLDER; GENERAL ELECTION. A recall committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose the recall of a partisan state or local office holder, or to support or oppose other committees engaging in such activities, shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the recall election.

(b) In an odd−numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even−numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

SUBCHAPTER X
OTHER PERSONS

11.1001 Reporting; specific express advocacy. (1) DISBURSEMENTS. (a) Any person, other than a committee, spending $2,500 or more in the aggregate on express advocacy shall submit statements to the board under par.

(b) if the express advocacy is made during the period beginning on the day that is 60 days prior to the day of the primary or election involving the candidate identified under par. (b) 5. and ending on the day of the primary or election involving that candidate.

(b) A person required to report under this section shall submit statements to the board providing all of the following information:

1. The dates on which the person made the disbursements.

2. The name and address of the persons who received the disbursements.

3. The purpose for making the disbursements.

4. The amount spent for each act of express advocacy.

5. The name of any candidate identified in the express advocacy, the office that the candidate seeks, and whether the express advocacy supports or opposes that candidate.

6. An affirmation, made under oath, that the person will comply with the prohibition on coordination under s. 11.1203 with respect to any candidate or agent or candidate committee who is supported or opposed by the express advocacy.

7. The name and mailing and street address of the person's designated agent in this state.

(2) EXCEPTION. (a) A person who is required to report under this section is not required to submit the information described under sub. (1) (b) regarding disbursements made before reaching the $2,500 threshold under sub. (1) (a). For purposes of this section, a disbursement for express advocacy is the amount spent directly on developing, producing, and disseminating the express advocacy.

(b) This section does not apply to any of the following:

1. A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any news organization, unless the facilities are controlled by any committee or candidate.

2. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization.

(3) TIMING. A person who is required to report under this section shall submit the report to the board no later than 72 hours after making the disbursements.

SUBCHAPTER XI
CONTRIBUTIONS

11.1101 Contribution limits. (1) INDIVIDUAL LIMITS. An individual may contribute to a candidate committee no more than the following amounts specified for the candidate whose nomination or election the individual supports [See Figure 11.1101 following]:

(a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, or justice, $20,000.

(b) Candidates for state senator, $2,000.

(c) Candidates for representative to the assembly, $1,000.

(d) Candidates for court of appeals judge in districts which contain a county having a population of more than 500,000, $6,000.

(e) Candidates for court of appeals judge in other districts, $5,000.

(f) Candidates for circuit judge in circuits having a population of more than 300,000, or candidates for district attorney in prosecutorial units having a population of more than 300,000, $6,000.

(g) Candidates for circuit judge in other circuits or candidates for district attorney in other prosecutorial units, $2,000.

(h) Candidates for local offices, an amount equal to the greater of the following:

1. Five hundred dollars.

2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than $6,000.

(2) CANDIDATE COMMITTEES. A candidate committee may contribute to another candidate committee no more than the following amounts specified for the candidate whose nomination or election the committee supports [See Figure 11.1101 following]:

(a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, or justice, $20,000.

(b) Candidates for state senator, $2,000.

(c) Candidates for representative to the assembly, $1,000.

(d) Candidates for court of appeals judge in districts which contain a county having a population of more than 500,000, $6,000.

(e) Candidates for court of appeals judge in other districts, $5,000.

(f) Candidates for circuit judge in circuits having a population of more than 300,000, or candidates for district attorney in prosecutorial units having a population of more than 300,000, $6,000.

(g) Candidates for circuit judge in other circuits or candidates for district attorney in other prosecutorial units, $2,000.

(h) Candidates for local offices, an amount equal to the greater of the following:

1. Five hundred dollars.

2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is

based, as certified by the appropriate filing officer, but not more than $6,000.

(3) POLITICAL ACTION COMMITTEES. A political action committee may contribute to a candidate committee no more than the following amounts specified for the candidate whose nomination or election the committee supports [See Figure 11.1101 following]:

(a) Candidates for governor, $86,000.

(b) Candidates for lieutenant governor, $26,000.

(c) Candidates for attorney general, $44,000.

(d) Candidates for secretary of state, state treasurer, state superintendent, or justice, $18,000.

(e) Candidates for state senator, $2,000.

(f) Candidates for representative to the assembly, $1,000.

(g) Candidates for court of appeals judge in districts which contain a county having a population of more than 500,000, $6,000.

(h) Candidates for court of appeals judge in other districts, $5,000.

(i) Candidates for circuit judge in circuits having a population of more than 300,000, or candidates for district attorney in prosecutorial units having a population of more than 300,000, $6,000.

(j) Candidates for circuit judge in other circuits or candidates for district attorney in other prosecutorial units, $2,000.

(k) Candidates for local offices, an amount equal to the greater of the following:

1. Four hundred dollars.

2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than $5,000.

Figure 11.1101:

	INDIVIDUAL CONTRIBUTORS	CANDIDATE COMMITTEE CONTRIBUTORS	POLITICAL ACTION COMMITTEE CONTRIBUTORS
GOVERNOR	$20,000	$20,000	$86,000
LT. GOVERNOR	$20,000	$20,000	$26,000
SECRETARY OF STATE	$20,000	$20,000	$18,000
STATE TREASURER	$20,000	$20,000	$18,000
ATTORNEY GENERAL	$20,000	$20,000	$44,000
STATE SUPERINTENDENT	$20,000	$20,000	$18,000
JUSTICE	$20,000	$20,000	$18,000
STATE SENATOR	$2,000	$2,000	$2,000
ASSEMBLY REPRESENTATIVE	$1,000	$1,000	$1,000
APPEALS JUDGE – POPULOUS DISTRICTS	$6,000	$6,000	$6,000
APPEALS JUDGE – OTHER DISTRICTS	$5,000	$5,000	$5,000
CIRCUIT JUDGE – POPULOUS AREA	$6,000	$6,000	$6,000
DISTRICT ATTORNEY – POPULOUS AREA	$6,000	$6,000	$6,000
CIRCUIT JUDGE – OTHER AREA	$2,000	$2,000	$2,000

DISTRICT ATTORNEY – OTHER AREA	$2,000	$2,000	$2,000
LOCAL OFFICES	GREATER OF $500 OR 2 CENTS TIMES THE POPULATION, BUT NOT MORE THAN $6,000	GREATER OF $500 OR 2 CENTS TIMES THE POPULATION, BUT NOT MORE THAN $6,000	GREATER OF $400 OR 2 CENTS TIMES THE POPULATION, BUT NOT MORE THAN $5,000

11.1103 Applicable periods. (1) For an individual who is a candidate for an office that the individual holds, the limits under s. 11.1101 (1) to (3) apply during the term of that office.

(2) For an individual who is a candidate for an office that the individual does not hold, the limits under s. 11.1101 (1) to (3) apply during the period beginning on the date on which the individual becomes a candidate under s. 11.0101 (1) (a) and ending on the day before the term of office begins for the office sought by the candidate.

11.1104 Exceptions. Except as provided in subs. (3) (b) and (4) (b) and s. 11.1112, the following contributions may be made in unlimited amounts:

(1) Contributions to a political action committee.

(2) Contributions transferred between political action committees.

(3) (a) Except as provided in par. (b), contributions to a legislative campaign committee.

(b) A political action committee may contribute no more than $12,000 in any calendar year to a legislative campaign committee.

(4) (a) Except as provided in par. (b), contributions to a political party.

(b) A political action committee may contribute no more than $12,000 in any calendar year to a political party.

(5) Contributions made by a political party or legislative campaign committee to a candidate committee.

(6) Contributions paid to a segregated fund established and administered by a political party or legislative campaign committee for purposes other than making contributions to a candidate committee or making disbursements for express advocacy.

(7) Contributions that a candidate makes to his or her candidate committee from the candidate's personal funds or property or the personal funds or property that are owned jointly or as marital property with the candidate's spouse.

(8) Contributions transferred between the candidates for governor and lieutenant governor of the same political party.

(9) Contributions used to pay legal fees and other expenses incurred as a result of a recount under s. 9.01.

(10) Contributions used to pay legal fees and other expenses incurred in connection with or in response to circulating, offering to file, or filing a petition to recall an office holder prior to the time that a recall primary or election is ordered, or after that time if incurred to contest or defend the order.

(11) Contributions to a recall committee.

(12) Contributions to a referendum committee.

(13) Contributions to an independent expenditure committee.

11.1105 Valuation. (1) Except as provided in s. 11.1111, for purposes of complying with a contribution limit under this section, the value of a contribution of any tangible or intangible item, other than money, is the item's fair market value at the time that the individual or committee made the contribution.

(2) Except as provided in s. 11.1111, for purposes of complying with a contribution limit under this section, the value of a contribution of a service is the fair market value of the service at the time that the individual or committee made the contribution.

11.1106 Conduit contributions. (1) For purposes of this chapter, a contribution released by a conduit to a committee is to be reported by the committee as a contribution from the individual who made the contribution and not as a contribution from the conduit.

(2) A contribution of money received from a conduit, accompanied by the information required under s. 11.0704 (1), is considered to be a contribution from the original contributor.

(3) Each filing officer shall place a copy of any report received under s. 11.0704 in the file of the conduit and the file of the recipient.

11.1107 Limitation on cash contributions. Every contribution of money exceeding $100 shall be made by negotiable instrument or evidenced by an itemized credit card receipt bearing on the face the name of the remitter. No committee required to report under this chapter may accept a contribution made in violation of this section. The committee shall promptly return the contribution, or donate it to the common school fund or to a charitable organization in the event that the donor cannot be identified.

11.1108 Anonymous contributions. No committee may accept an anonymous contribution exceeding $10. If an anonymous contribution exceeds $10, the committee shall donate the contribution to the common school fund or to a charitable organization and report the donation as required under this chapter.

11.1109 In–kind contributions. Before making a contribution, as defined under s. 11.0101 (8) (a) 2., to a committee, the prospective contributor shall notify the

candidate or candidate's agent or the administrator or treasurer of the committee and obtain that individuals oral or written consent to the contribution.

11.1110 Return of contributions. (1) A committee required to report under this chapter may return a contribution at any time before or after it has been deposited.

(2) (a) Except as provided in par. (b), the subsequent return of a contribution deposited contrary to law does not constitute a defense to a violation.

(b) A committee that accepts a contribution contrary to law, reports that contribution, and returns that contribution within 15 days after the filing date for the reporting period in which the contribution is received does not violate the contribution or source limits under this subchapter.

11.1111 Valuation of opinion poll results. (1) In this section:

(a) "Election period" means any of the following:

1. The period beginning on December 1 and ending on the date of the spring election.

2. The period beginning on May 1 and ending on the date of the general election.

3. The period beginning on the first day for circulating nomination papers and ending on the date of a special election.

(b) "Initial recipient" means the individual who or committee which commissions a public opinion poll or voter survey.

(c) "Results" means computer output or a written or verbal analysis.

(d) "Voter survey" includes acquiring information that identifies voter attitudes concerning candidates or issues.

(2) If a committee receives opinion poll or voter survey results during the first 15 days after the initial recipient receives the results, and the committee received the results during an election period, the committee shall report the results as a contribution. The committee shall report the contribution's value as 100 percent of the cost incurred by the initial recipient to commission the poll or survey, except that if more than one committee receives the results, the committees shall report the contribution's value as 100 percent of the amount allocated to the committee under sub. (5).

(3) If the committee receives the opinion poll or voter survey results 16 to 60 days following the day on which the initial recipient received the results, and the committee received the results during an election period, the committee shall report the results as a contribution valued at 50 percent of the cost incurred by the initial recipient to commission the poll or survey, except that if more than one committee receives the results, the committees shall report the contribution's value as 50 percent of the amount allocated to the committee under sub. (5).

(4) If the committee receives the opinion poll or voter survey results more than 60 days after the initial recipient received the results, the committee is not required to report the results as a contribution.

(5) If a person contributes opinion poll or voter survey results to more than one committee, the person shall apportion the value of the poll or survey to each committee receiving the results by one of the following methods and shall provide the apportioned values to the committees:

(a) Determine the share of the cost of the opinion poll or voter survey that is allocable to each recipient based on the allocation formula used by the person that conducted the poll or survey.

(b) Determine the share of the cost of the opinion poll or voter survey that is allocable to each recipient by dividing the cost of the poll or survey equally among all the committees receiving the results.

(c) Determine the share of the cost of the opinion poll or voter survey that is allocable to each recipient as follows:

1. Divide the number of question results received by each recipient by the total number of question results received by all recipients.

2. Multiple the total cost of the poll or survey by the number determined under subd. 1.

(6) If a person makes a contribution of opinion poll or voter survey results to a committee after the person has apportioned the value of the results to previous recipients under sub. (5), the person shall make a good faith effort to apportion the value to the committee, considering the value apportioned to other recipients under sub. (5), and shall report that value to the committee. For purposes of this subsection, the total value of the contributor's aggregate contributions may exceed the original cost of the poll or survey.

(7) A person who contributes opinion poll or voter survey results shall maintain records sufficient to support the contribution's value and shall provide the contribution's value to the recipient.

11.1112 Corporations, cooperatives, and tribes. No foreign or domestic corporation, no association organized under ch. 185 or 193, no labor organization, and no federally recognized American Indian Tribe may make a contribution to a committee, other than an independent expenditure committee or referendum committee, but may make a contribution to a segregated fund as provided under s. 11.1104 (6) in amounts not to exceed $12,000 in the aggregate in a calendar year.

11.1113 Sole proprietors, partnerships, and limited liability companies. (1) A contribution made to a committee by a sole proprietorship is considered a contribution made by the individual who is the sole proprietor and subject to the limits under this subchapter.

(2) A contribution made to a committee by a partnership is considered a contribution made by each of the contributing partners and subject to the limits under this subchapter. A partnership that makes a contribution to a

committee shall provide to the committee the names of the contributing partners and the amount of the individual contribution made by each partner. For purposes of determining the individual contribution amounts made by each partner, the partnership shall attribute the individual contributions according to each partner's share of the partnership's profits, unless the partners agree to apportion the contribution in a different manner.

(3) LIMITED LIABILITY COMPANIES. (a) A contribution made to a committee by a limited liability company treated as a partnership by the federal internal revenue service pursuant to 26 CFR 301.7701−3 is considered a contribution made by each of the contributing members and subject to the limits under this subchapter. A limited liability company that makes a contribution under this paragraph shall affirm to the candidate committee that it is treated as a partnership for federal tax purposes and eligible to make the contribution. The company shall provide to the committee the names of the contributing members and the amount of the individual contribution made by each member. For purposes of determining the individual contribution amounts made by each member, the company shall attribute the individual contributions according to each member's share of the company's profits, unless the members agree to apportion the contribution in a different manner.

(b) A contribution made to a candidate committee by a single−member limited liability company in which the sole member is an individual is considered a contribution made by that individual and subject to the individual limits under s. 11.1101 (1). A limited liability company that makes a contribution under this paragraph shall affirm to the candidate committee that it is a single−member limited liability company in which the sole member is an individual and eligible to make the contribution.

11.1114 Two candidate committees. (1) If a candidate establishes a 2nd candidate committee under s. 11.0202 (2) to pursue a state or local office for which the contribution limit under this subchapter is higher than the contribution limit for the office that the candidate originally sought, the 2nd candidate committee may accept contributions up to the higher limit, but shall take into account the amount of any contributions transferred from the first candidate committee to the 2nd candidate committee to determine whether the 2nd candidate committee has reached or exceeded the higher limits.

(2) If a candidate establishes a 2nd candidate committee under s. 11.0202 (2) to pursue a state or local office for which the contribution limit under this subchapter is lower than the contribution limit for the office that the candidate originally sought, the first candidate committee may transfer its contributions to the 2nd candidate committee in an amount not to exceed the contribution limits applicable to the 2nd candidate committee.

(3) Upon termination of a 2nd candidate committee, the 2nd candidate committee may transfer any of its remaining funds to the first candidate committee in amounts not to exceed the contribution limits applicable to the persons who contributed to the first candidate committee.

SUBCHAPTER XII
PROHIBITED PRACTICES

11.1201 False reports and statements. No person may prepare or submit a false report or statement to a filing officer under this chapter.

11.1202 Earmarking. (1) The treasurer of a candidate committee may agree with a prospective contributor that a contribution is received to be used for a specific purpose not prohibited by law. That purpose may not include a disbursement to a committee to support or oppose another candidate.

(2) When a contribution is made to a committee other than a candidate committee, the contributor may not direct the committee to make a disbursement to a committee to support or oppose another candidate.

(3) Except for transfers of membership−related moneys between committees of the same political party, no committee may transfer to another committee the earmarked contributions of others. Transfers of membership−related moneys between political parties shall be treated in the same manner as other transfers.

11.1203 Coordination. (1) No political action committee, independent expenditure committee, other person required to report under s. 11.1001, or individual may make an expenditure for express advocacy for the benefit of a candidate that is coordinated with that candidate, candidate's committee, or candidate's agent, nor with any legislative campaign committee of the candidate's political party, or a political party, in violation of the contribution limits under s. 11.1101 or the source restrictions under s. 11.1112.

(2) (a) For purposes of this section, an expenditure for express advocacy is coordinated if any of the following applies:

1. The candidate, candidate's agent, legislative campaign committee of the candidate's political party, or the candidate's political party communicates directly with the political action committee, independent expenditure committee, other person, or individual making the expenditure to specifically request that the political action committee, independent expenditure committee, other person, or individual make the expenditure that benefits the candidate and the political action committee, independent expenditure committee, other person, or individual explicitly assents to the request before making the expenditure.

2. The candidate, candidate's agent, legislative campaign committee of the candidate's political party, or the candidate's political party exercises control over the expenditure or the content, timing, location, form, intended audience, number, or frequency of the communication.

(b) If an expenditure for express advocacy is coordinated, but not in violation of the coordination prohibitions under sub. (1), all of the following apply:

1. The political action committee or independent expenditure committee making the expenditure shall report the expenditure as required under this chapter.

2. The candidate committee shall report the expenditure as a contribution.

(3) None of the following are considered coordinated communications prohibited under this section:

(a) Candidates endorsing and soliciting contributions for other candidates.

(b) Candidates, candidate committees, legislative campaign committees, and political parties responding to inquiries about a candidate's or political party's position on legislative or policy issues.

(c) Using publicly available information to create, produce, or distribute a communication if sub. (2) does not apply to such use.

11.1204 Unlawful political contributions. (1) Subject to sub. (2), no person may, directly or indirectly, make any contribution other than from funds or property belonging to the person. No person may, directly or indirectly, give funds or property to another person for the purpose of making a contribution in other than the first person's name.

(2) A conduit releasing a contribution of money in the manner prescribed in s. 11.0704 does not violate sub. (1).

(3) No person may intentionally receive or accept any contribution made in violation of this chapter.

11.1205 Use of government materials by candidates. (1) (a) Except as provided in sub. (2), no person elected to state or local office who becomes a candidate for national, state, or local office may use public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material distributed after:

1. In the case of a candidate who is nominated by nomination papers, the first day authorized by law for circulation of nomination papers as a candidate.

2. In the case of a candidate who is nominated at a primary election by write−in votes, the day the board of canvassers issues its determination that the person is nominated.

3. In the case of a candidate who is nominated at a caucus, the date of the caucus.

4. In the case of any other candidate who is nominated solely by filing a declaration of candidacy, the first day of the month preceding the month which includes the last day for filing the declaration.

(b) This subsection applies until after the date of the election or after the date of the primary election if the person appears as a candidate on a primary election ballot and is not nominated at the primary election.

(2) This section does not apply to use of public funds for the costs of the following:

(a) Answers to communications of constituents.

(b) Actions taken by a state or local government administrative officer pursuant to a specific law, ordinance or resolution which authorizes or directs the actions to be taken.

(c) Communications between members of the legislature regarding the legislative or deliberative process while the legislature is in session.

(d) Communications not exceeding 500 pieces by members of the legislature relating solely to the subject matter of a special session or extraordinary session, made during the period between the date that the session is called or scheduled and 14 days after adjournment of the session.

11.1206 Travel by public officers. (1) No person may use any vehicle or aircraft owned by the state or by any local governmental unit for any trip which is exclusively for the purposes of campaigning to support or oppose any candidate for national, state, or local office, unless use of the vehicle or aircraft is required for purposes of security protection provided by the state or local governmental unit.

(2) No person may use any vehicle or aircraft owned by the state or by any local governmental unit for purposes that include campaigning to support or oppose any candidate for national, state, or local office, unless the person pays to the state or local governmental unit a fee which is comparable to the commercial market rate for the use of a similar vehicle or aircraft and for any services provided by the state or local governmental unit to operate the vehicle or aircraft. If a trip is made in part for a public purpose and in part for the purpose of campaigning, the person shall pay for the portion of the trip attributable to campaigning, but in no case less than 50 percent of the cost of the trip. The portion of the trip attributable to campaigning shall be determined by dividing the number of appearances made for campaign purposes by the total number of appearances. Fees payable to the state shall be prescribed by the secretary of administration and shall be deposited in the account under s. 20.855 (6) (h). Fees payable to a local governmental unit shall be prescribed by the governing body of the governmental unit.

11.1207 Political solicitation involving public officials and employees restricted. (1) (a) Except as provided in par. (b), no person may solicit or receive from any state officer or employee or from any officer or employee of the University of Wisconsin Hospitals and Clinics Authority any contribution during established hours of employment or while the officer or employee is engaged in his or her official duties.

(b) Paragraph (a) does not apply to communications about a referendum.

(2) No person may solicit or receive from any officer or employee of a political subdivision of this state any contribution during established hours of employment or while the officer or employee is engaged in his or her official duties.

(3) Every person who has charge or control in a building, office, or room occupied for any purpose by this state, by any political subdivision thereof, or by the University of Wisconsin Hospitals and Clinics Authority shall prohibit the entry of any person into that building, office, or room for the purpose of making or receiving a contribution.

(4) No person may enter or remain in any building, office, or room occupied for any purpose by the state, by any political subdivision thereof or by the University of Wisconsin Hospitals and Clinics Authority or send or direct a letter or other notice thereto for the purpose of requesting or collecting a contribution.

(5) This section does not apply to a response by a legal custodian or subordinate of the custodian to a request to locate, reproduce, or inspect a record under s. 19.35 if the request is processed in the same manner as the custodian or subordinate responds to other requests to locate, reproduce, or inspect a record under s. 19.35.

11.1208 Unlawful political disbursements and obligations. (1) No person may intentionally receive or accept anything of value, or any promise or pledge thereof, constituting a disbursement made or obligation incurred contrary to law.

(2) (a) Except as provided in pars. (b) and (c), a committee may not make a disbursement or incur an obligation for the committee's or an individual's strictly personal use.

(b) A committee may accept contributions and make disbursements from a campaign depository account for any of the following:

1. For the purpose of making disbursements in connection with a campaign for national office.

2. For payment of civil penalties incurred by the committee under this chapter but not under any other chapter.

3. For the purpose of making a donation to a charitable organization or the common school fund.

4. For payment of the expenses of nonpartisan campaigns to increase voter registration or participation.

(c) A candidate committee may accept contributions and make disbursements from a campaign depository account for payment of inaugural expenses of an individual who is elected to state or local office. Inaugural expenses paid from contributions made to the campaign depository account are reportable under s. 11.0204 (1) as disbursements and are subject to the limits under s. 11.1101.

(3) No contributions to or disbursements from a committee's depository account may be invested for the purpose of producing income unless the investment is in direct obligations of the United States and of agencies and corporations wholly owned by the United States, commercial paper maturing within one year from the date of investment, preferred shares of a corporation, or securities of an investment company registered under the federal investment company act of 1940 (15 USC 80a) and registered for public offer and sale in this state of the type commonly referred to as a "money market fund".

(4) No person may make or accept a contribution, make a disbursement, make an expenditure, or incur an obligation in violation of 11 CFR 110.20 and 52 USC 30121.

SUBCHAPTER XIII
ADMINISTRATION

11.1301 Defense fund authorized. (1) Any candidate or public official who is being investigated for, charged with, or convicted of a criminal violation of this chapter or ch. 12, or whose agent is so investigated, charged, or convicted, may establish a defense fund for disbursements supporting or defending the candidate, official, or agent, or any dependent of the candidate, official, or agent, while that person is being investigated for, or while the person is charged with or convicted of a criminal violation of this chapter or ch. 12.

(2) No person may use a contribution received from a contributor to a candidate committee fund for a purpose for which a defense fund is authorized under sub. (1) unless the person obtains the contributor's authorization. Notwithstanding s. 11.1202 (3), any contributor may authorize the transfer of all or part of a contribution from a campaign fund to a defense fund.

11.1302 Donations to charitable organizations or school fund. Any committee may make a donation to a charitable organization or the common school fund from the committee's depository account. No later than 5 days after a committee makes a donation to a charitable organization or the common school fund from the committee's depository account, the committee shall notify the committee's filing officer in writing of the name of the donee and the date of the donation, and shall provide an explanation for not retaining the amount donated in the committee's depository account.

11.1303 Attribution of political contributions, disbursements and communications. (1) No disbursement may be made anonymously and no contribution or disbursement may be made in a fictitious name or by one person or organization in the name of another.

(2) (a) Every printed advertisement, billboard, handbill, sample ballot, television or radio advertisement, or other communication containing express advocacy which is paid for by any contribution or disbursement shall clearly identify its source.

(b) Every communication described under par. (a) the cost of which is paid for or reimbursed by a committee, or for which a committee assumes responsibility, whether by accepting a contribution or making a disbursement, shall identify its source by the words "Paid for by" followed by the name of the committee making the payment or reimbursement or assuming responsibility for the communication and may include the name of the treasurer or other authorized agent of the committee.

(c) Every communication for express advocacy the cost of which exceeds $2,500 and is paid for or reimbursed by any person, other than a committee, shall identify its source by the words "Paid for by" followed by the name of the person.

(d) In addition to the requirements of pars. (a) to (c), a person required to submit an affirmation under oath, as provided under s. 11.0505 (1) (b) 6., 11.0605 (1) (b) 6., or 11.1001 (1) (b) 6. shall also include the words "Not authorized by any candidate or candidate's agent or committee" in every communication containing express advocacy.

(e) Communications described in par. (a) to (c) and made by a candidate committee may identify the name of the candidate committee except that no abbreviation may be used to identify the committee.

(em) Each printed advertisement, billboard, handbill, paid television or radio advertisement, or other communication made for the purpose of influencing the recall from or retention in office of an individual holding a state or local office shall clearly identify its source in the manner prescribed in pars. (b) and (c).

(f) This subsection does not apply to communications containing express advocacy printed on small items on which the information required by this subsection cannot be conveniently printed, including text messages, social media communications, and certain small advertisements on mobile phones. The board may, by rule, specify small items or other communications to which this subsection shall not apply.

(g) The attributions required by this subsection in written communications shall be readable, legible, and readily accessible.

(3) Whenever any person receives payment from another person, in cash or in−kind, for the direct or indirect cost of conducting a poll concerning support or opposition to a candidate, political party, or referendum, the person conducting the poll shall, upon request of any person who is polled, disclose the name and address of the person making payment for the poll and, in the case of a committee, the name of the treasurer of the committee making payment.

11.1304 Duties of the government accountability board. The board shall:

(1) Prescribe forms for making the reports, statements, and notices required by this chapter. The board shall make the forms available free of charge on the board's Internet site and shall distribute or arrange for the distribution of all forms for use by other filing officers.

(2) Upon request, transmit a form described under sub. (1), free of charge, by facsimile or by 1st class mail.

(3) (a) Prepare and publish for the use of persons required to file reports and statements under this chapter a manual setting forth simply and concisely recommended uniform methods of bookkeeping and reporting.

(b) Prepare, publish, and revise as necessary a manual simply and concisely describing the filing and registration requirements established in this chapter in detail, as well as other major provisions of this chapter and ch. 12.

(4) Develop a filing, coding, and cross−indexing system consonant with the purposes of this chapter.

(5) Assign an identification number to each committee for whom the board acts as a filing officer under s. 11.0102 (1) and to each conduit.

(6) (a) Except as provided in par. (b), require each committee for whom the board serves as filing officer under s. 11.0102 (1) to file each campaign finance report that is required to be filed under this chapter in an electronic format. The board shall permit an authorized individual to provide at the time of filing an electronic signature, as defined in s. 137.11 (8), that is subject to a security procedure, as defined in s. 137.11 (13). A committee that files a report under this subsection in an electronic format may file with the board that portion of the report signed by an authorized individual rather than submit the electronic signature of that individual. The board shall provide complete instructions to any committee that files a report under this subsection.

(b) Permit a committee that accepts contributions in a total amount or value of $1,000 or less during a campaign period to opt out of the requirement to file a campaign finance report in an electronic format as specified in par. (a). In this paragraph, the campaign period of a candidate committee begins and ends as provided under s. 11.1103, and the campaign period of any other committee begins on January 1 of each odd−numbered year and ends on December 31 of the following year.

(7) Compile and maintain on an electronic system a current list of all reports and statements received by or required of and pertaining to each committee registered under this chapter.

(8) Maintain a duplicate record of any statement submitted by a political action committee under s. 11.0505 or by an independent expenditure committee under s. 11.0605 or by a person under subch. X together with the record of each candidate to whom it relates.

(9) Determine whether each report or statement required to be filed under this chapter has been filed in the form and by the time prescribed by law, and whether it conforms on its face to the requirements of this chapter.

(10) Immediately send to any committee or conduit which is delinquent in filing, or which has filed otherwise than in the proper form, a notice that the committee or conduit has failed to comply with this chapter. Whenever a candidate committee has appointed an individual other than the candidate as campaign treasurer, the board shall send the notice to both the candidate and the treasurer of the candidate committee.

(11) Receive and maintain in an orderly manner all reports and statements required to be filed with the state under the federal election campaign act. The board shall:

(a) Preserve such reports and statements for a period of 6 years from date of receipt.

(b) Compile and maintain a current list of all reports and statements pertaining to each candidate who is required to file a report or statement under the federal election campaign act.

(c) Promptly compile and release for public inspection a list of all reports received from candidates for national office and from committees supporting or opposing such candidates which are required to be filed with the state under the federal election campaign act, as soon as possible after each deadline for receipt of such reports as provided by federal law.

(12) Make the reports and statements filed under this chapter, including those reports and statements filed under sub. (11), available on the board's Internet site for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which they are received. No information copied from such reports and statements may be sold or utilized by any person for any commercial purpose.

(13) Upon the request of any person, permit copying of any report or statement described under sub. (12) by hand or by duplicating machine at cost.

(14) Include in its annual report under s. 19.47 (5) compilations of any of the following in its discretion:

(a) Total reported contributions, disbursements, and incurred obligations for all committees registered and reporting under this chapter during the biennium.

(b) Total amounts contributed during the biennium, reported by contribution amounts as determined by the board, to each type of committee registered and reporting under this chapter.

(c) Total amounts expended during the biennium, reported by disbursement amounts as determined by the board, by each type of committee registered and reporting under this chapter.

(d) Total amounts expended for influencing nominations and elections whenever separate information is reported.

(e) Aggregate amounts contributed by any contributors shown to have contributed more than $100.

(15) Prepare and publish from time to time special reports comparing the various totals and categories of contributions and disbursements made with respect to preceding elections.

(16) Make available a list of delinquents for public inspection.

(17) Promulgate rules to administer this chapter.

SUBCHAPTER XIV
PENALTIES

11.1400 Civil penalties. (1) Any person who violates this chapter may be required to forfeit not more than $500 for each violation.

(2) In addition to the penalty under sub. (1), any person who is delinquent in filing a report required by this chapter may be required to forfeit not more than $50 or one percent of the annual salary of the office for which the candidate is being supported or opposed, whichever is greater, for each day of delinquency.

(3) Notwithstanding sub. (1), any person who makes any contribution in violation of this chapter may be required to forfeit treble the amount of the contribution or portion of that contribution which is illegally contributed.

(4) Notwithstanding sub. (1), any person who is subject to a requirement to pay a filing fee under s. 11.0102 and who fails to pay that fee within the time prescribed in that section shall forfeit $500 plus treble the amount of the fee payable by that person.

(5) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (h), 5.08, and 5.081, actions under this section may be brought by the board or, upon the board's determination of probable cause, by the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than an individual resides within a county if the person's principal place of operation is located within that county.

(6) Any elector may file a verified petition with the board requesting that civil action under this chapter be brought against any person or committee. The petition shall allege such facts as are within the knowledge of the petitioner to show probable cause that a violation of this chapter has occurred.

(7) When a candidate committee treasurer or candidate's agent incurs an obligation or makes a disbursement, that action by the treasurer or agent is imputed to the candidate for purposes of civil liability under this subchapter.

(8) In civil actions under this chapter the acts of every member of a candidate committee are presumed to be with the candidate's knowledge or approval until clearly proven otherwise.

11.1401 Criminal penalties; prosecution. (1) (a) Whoever intentionally violates s. 11.1204 or any registration or reporting requirement under this chapter is guilty of a Class I felony.

(b) Whoever intentionally violates subch. XI or s. 11.1201, 11.1208, or 11.1303 is guilty of a Class I felony if the intentional violation does not involve a specific figure or if the intentional violation concerns a figure which exceeds $100 in amount or value.

(c) Whoever intentionally violates any of the following may be fined not more than $1,000 or imprisoned not more than 6 months or both:

1. Any provision of this chapter other than those provided in par. (a).

2. Any provision under par. (b) if the violation concerns a specific amount or value not exceeding $100.

(2) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (i), 5.08, and 5.081, and only after the board has determined probable cause, all prosecutions under this section shall be conducted by the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than a individual resides within a county if the person's principal place of operation is located within that county.

(3) (a) If a successful candidate for public office, other than a candidate for the legislature, is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed during his or her candidacy, the court shall after entering judgment enter a supplemental judgment declaring a forfeiture of the candidate's right to office. The supplemental judgment shall be transmitted to the officer or agency authorized to issue the certificate of nomination or election to the office for which the person convicted is a candidate. If the candidate's term has not yet begun, the candidate shall not take office. If the candidate's term has begun, the office shall become vacant. The office shall then be filled in the manner provided by law.

(b) If a successful candidate for the legislature is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed during his or her candidacy, the court shall after entering judgment certify its findings to the presiding officer of the house of the legislature to which the candidate was elected.

SECTION 24g. 11.1400 (5) of the statutes, as created by 2015 Wisconsin Act .... (this act), is amended to read:

11.1400 **(5)** Except as otherwise provided in ss. ~~5.05 (2m) (c) 15. and 16. and (h), 5.08, and 5.081~~ 19.49 (2) (b) 13. and 14. and (g) and 19.554, actions under this section may be brought by the board or, upon the board's determination of probable cause, by the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than an individual resides within a county if the person's principal place of operation is located within that county.

SECTION 24h. 11.1401 (2) of the statutes, as created by 2015 Wisconsin Act .... (this act), is amended to read:

11.1401 **(2)** Except as otherwise provided in ss. ~~5.05 (2m) (c) 15. and 16. and (h), 5.08, and 5.081~~ 19.49 (2) (b) 13. and 14. and (h) and 19.554, and only after the board has determined probable cause, all prosecutions under this section shall be conducted by the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than a individual resides within a county if the person's principal place of operation is located within that county.

SECTION 25. 12.07 (4) of the statutes is amended to read:

12.07 **(4)** No person may, directly or indirectly, cause any person to make a contribution or provide any service or other thing of value to or for the benefit of a ~~candidate, political party or registrant~~ committee registered under ~~s. 11.05~~ chapter 11, with the purpose of influencing the election or nomination of a candidate to national, state or local office or the passage or defeat of a referendum by means of the denial or the threat of denial of any employment, position, work or promotion, or any compensation or other benefit of such employment, position or work, or by means of discharge, demotion or disciplinary action or the threat to impose a discharge, demotion or disciplinary action. This subsection does not apply to employment by a ~~candidate, political party or other registrant~~ committee registered under ~~s. 11.05~~ chapter 11 in connection with a campaign or political party activities. This subsection also does not apply to information provided by any person that expresses that person's opinion on any candidate or committee, any referendum or the possible effects of any referendum, or the policies advocated by any candidate or committee.

SECTION 26. 12.08 of the statutes is amended to read:

12.08 Denial of government benefits. No person may, directly or indirectly, cause any person to make a contribution or provide any service or other thing of value to or for the benefit of a ~~candidate, political party or registrant~~ committee registered under ~~s. 11.05~~ chapter 11, with the purpose of influencing the election or nomination of a candidate to national, state, or local office or the passage or defeat of a referendum by means of the denial or threat of denial of any payment or other benefit of a program established or funded in whole or in part by this state or any local governmental unit of this state, or a program which has applied for funding by this state or any local governmental unit of this state.

SECTION 27. 12.13 (3) (h) of the statutes is amended to read:

12.13 **(3)** (h) Deface, destroy or remove any legally placed election campaign advertising poster with intent to disrupt the campaign advertising efforts of any ~~candidate, or of any committee, group or individual~~ committee registered under ch. 11, or alter the information printed thereon so as to change the meaning thereof to the disadvantage of the candidate or cause espoused. Nothing in this paragraph restricts the right of any owner or occupant

of any real property, or the owner or operator of any motor vehicle, to remove campaign advertising posters from such property or vehicle.

SECTION 28. 12.60 (4) of the statutes is amended to read:

12.60 **(4)** Prosecutions under this chapter shall be conducted in accordance with s. ~~11.61~~ 11.1401 (2).

SECTION 29. 13.62 (5g) of the statutes is amended to read:

13.62 **(5g)** "Candidate" has the meaning given under s. ~~11.01 (1)~~ 11.0101 (1).

SECTION 30. 13.62 (5j) of the statutes is created to read:

13.62 **(5j)** "Candidate committee" has the meaning given in s. 11.0101 (2).

SECTION 31. 13.62 (5r) of the statutes is amended to read:

13.62 **(5r)** "Communications media" ~~has the meaning given under s. 11.01 (5)~~ means newspapers, periodicals, commercial billboards and radio and television stations, including community antenna television stations.

SECTION 32. 13.62 (5u) of the statutes is created to read:

13.62 **(5u)** "Contribution" has the meaning given in s. 11.0101 (8).

SECTION 33. 13.62 (11t) of the statutes is repealed.

SECTION 34. 13.625 (1) (b) (intro.) of the statutes is amended to read:

13.625 **(1)** (b) (intro.) ~~Furnish~~ Give to any agency official or legislative employee of the state or to any elective state official or candidate for an elective state office, or to the ~~official's, employee's or candidate's personal campaign~~ candidate committee of the official, employee, or candidate:

SECTION 35. 13.625 (1) (b) 3. of the statutes is amended to read:

13.625 **(1)** (b) 3. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may deliver a contribution or make a ~~campaign~~ personal contribution to a partisan elective state official or candidate for national, state or local office or to the ~~official's or candidate's personal campaign~~ candidate committee of the official or candidate; but a lobbyist may make a personal contribution to which ~~par. (c)~~ sub. (1m) applies only as authorized in ~~par. (c)~~ sub. (1m).

SECTION 36. 13.625 (1) (c) (intro.) of the statutes is renumbered 13.625 (1m) (a) (intro.) and amended to read:

13.625 **(1m)** (a) (intro.) Except as ~~permitted~~ provided in ~~this subsection, personally make~~ par. (b), a lobbyist may not do any of the following:

1. Make a ~~campaign~~ personal contribution~~, as defined in s. 11.01 (6),~~ to a partisan elective state official for the purpose of promoting the official's election to any national, state, or local office~~; or~~.

2. Make a personal contribution to a candidate for a partisan elective state office to be filled at the general election or a special election~~; or~~.

3. Make a personal contribution to the ~~official's or candidate's personal campaign~~ candidate committee of a partisan elective state official or candidate for partisan state elective office.

(b) A lobbyist may ~~personally~~ make a ~~campaign~~ personal contribution to a partisan elective state official or candidate for partisan elective state office or to the ~~personal campaign~~ candidate committee of the official or candidate ~~in the year of a candidate's election~~ between the first day authorized by law for the circulation of nomination papers as a candidate at a general election or special election and the day of the general election or special election, except that:

SECTION 37. 13.625 (1) (c) 1. of the statutes is renumbered 13.625 (1m) (b) 1. and amended to read:

13.625 **(1m)** (b) 1. A ~~campaign~~ contribution to a candidate for legislative office may be made during that period only if the legislature has concluded its final floor−period, and is not in special or extraordinary session.

SECTION 38. 13.625 (1) (c) 2. of the statutes is renumbered 13.625 (1m) (b) 2. and amended to read:

13.625 **(1m)** (b) 2. A ~~campaign~~ contribution by a lobbyist to the lobbyist's ~~campaign~~ candidate committee for partisan elective state office may be made at any time.

SECTION 39. 13.625 (2) of the statutes is amended to read:

13.625 **(2)** No principal may engage in the practices prohibited under ~~sub.~~ subs. (1) (b) and ~~(c)~~ (1m). This subsection does not apply to the furnishing of transportation, lodging, food, meals, beverages, or any other thing of pecuniary value which is also made available to the general public.

SECTION 40. 13.625 (3) of the statutes is amended to read:

13.625 **(3)** No candidate for an elective state office, elective state official, agency official, or legislative employee of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1) (b) 3. ~~and (c)~~, (1m), (2), (4), (5), (6), (7), (8) and (9). No ~~personal campaign~~ candidate committee of a candidate for state office may accept anything of pecuniary value from a lobbyist or principal, except as permitted for such a candidate under subs. (1) (b) 3. ~~and (c)~~, (1m), (2), and (6).

SECTION 41. 13.625 (6r) of the statutes is amended to read:

13.625 **(6r)** Subsections (1) (b) ~~and (c)~~, (1m), and (3) do not apply to the furnishing of anything of pecuniary value by a lobbyist or principal to an employee of that lobbyist or principal who is a legislative official or an agency official solely because of membership on a state commission, board, council, committee or similar body

if the thing of pecuniary value is not in excess of that customarily provided by the employer to similarly situated employees and if the legislative official or agency official receives no compensation for his or her services other than a per diem or reimbursement for actual and necessary expenses incurred in the performance of his or her duties, nor to the receipt of anything of pecuniary value by that legislative official or agency official under those circumstances.

SECTION 42. 13.69 (6) of the statutes is amended to read:

13.69 **(6)** Any candidate for an elective state office, elective state official, agency official, or legislative employee of the state who, or any ~~personal campaign~~ candidate committee which, violates s. 13.625 (3) may be required to forfeit not more than $1,000.

SECTION 43. 13.695 (4) of the statutes is amended to read:

13.695 **(4)** No officer or employee of an agency who is identified in a statement filed under this section may engage in the prohibited practices set forth in s. 13.625 (1) (a) or (d), or use state funds to engage in the practices set forth in s. 13.625 (1) (b) or to make ~~campaign contributions as defined in s. 11.01 (6)~~ a contribution. This subsection does not prohibit an agency official who is identified in a statement filed under this section from authorizing salaries and other payments authorized by law to be paid to state officers, employees, consultants, or contractors, or candidates for state office, or from authorizing property or services of the agency to be provided for official purposes or other purposes authorized by law, whenever that action is taken in the normal course of affairs.

SECTION 44. 13.75 of the statutes is renumbered 13.75 (1g).

SECTION 45. 13.75 (1r) of the statutes is created to read:

13.75 **(1r)** The board may accept payment under this section by credit card, debit card, or other electronic payment mechanism, and may charge a surcharge to recover the actual cost associated with the acceptance of that electronic payment.

SECTION 46. 15.60 (5) of the statutes is amended to read:

15.60 **(5)** No member, for one year immediately prior to the date of nomination may have been, or while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or an officer or employee of a ~~registrant~~ committee registered under ~~s. 11.05~~ ch. 11.

SECTION 47. 15.60 (6) of the statutes is amended to read:

15.60 **(6)** No member, while serving on the board, may become a candidate, as defined in s. ~~11.01 (1)~~ 11.0101 (1), for state office or local office, as defined in s. 5.02.

SECTION 48. 15.60 (7) of the statutes is amended to read:

15.60 **(7)** No member, while serving on the board, may make a contribution, as defined in s. ~~11.01 (6)~~ 11.0101 (8), to a candidate, as defined in s. ~~11.01 (1)~~ 11.0101 (1), for state office or local office, as defined in s. 5.02. No individual who serves as a member of the board, for 12 months prior to beginning that service, may have made a contribution, as defined in s. ~~11.01 (6)~~ 11.0101 (8), to a candidate for a partisan state or local office, as defined in s. 5.02.

SECTION 49. 15.79 (2) (b) of the statutes is amended to read:

15.79 **(2)** (b) Directly or indirectly solicit or receive any contribution, as defined in s. ~~11.01 (6), for any political purpose, as defined in s. 11.01 (16)~~ 11.0101 (8), from any person within or outside of the state.

SECTION 50. 19.42 (3m) of the statutes is amended to read:

19.42 **(3m)** "Candidate," except as otherwise provided, has the meaning given in s. ~~11.01 (1)~~ 11.0101 (1).

SECTION 51. 19.45 (13) of the statutes is amended to read:

19.45 **(13)** No state public official or candidate for state public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any ~~person who is subject to a registration requirement~~ committee registered under ~~s. 11.05~~ ch. 11, or any person making a communication that contains a reference to a clearly identified state public official holding an elective office or to a candidate for state public office.

SECTION 52. 19.579 (1) of the statutes is amended to read:

19.579 **(1)** Except as provided in sub. (2), any person who violates this subchapter may be required to forfeit not more than $500 for each violation of s. 19.43, 19.44, or 19.56 (2) or not more than $5,000 for each violation of any other provision of this subchapter. If the court determines that the accused has realized economic gain as a result of the violation, the court may, in addition, order the accused to forfeit the amount gained as a result of the violation. In addition, if the court determines that a state public official has violated s. 19.45 (13), the court may order the official to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained. If the court determines that a state public official has violated s. 19.45 (13) and no political contribution, service, or other thing of value was obtained, the court may order the official to

forfeit an amount equal to the maximum contribution authorized under s. ~~11.26~~ 11.1101 (1) for the office held or sought by the official, whichever amount is greater. The attorney general, when so requested by the board, shall institute proceedings to recover any forfeiture incurred under this section which is not paid by the person against whom it is assessed.

SECTION 53. 19.59 (1) (br) of the statutes is amended to read:

19.59 **(1)** (br) No local public official or candidate for local public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any ~~person who is subject to a registration requirement~~ committee registered under ~~s. 11.05~~ ch. 11, or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.

SECTION 54. 19.59 (7) (b) of the statutes is amended to read:

19.59 **(7)** (b) Any person who violates sub. (1) may be required to forfeit not more than $1,000 for each violation, and, if the court determines that a local public official has violated sub. (1) (br) and no political contribution, service or other thing of value was obtained, the court may, in addition, order the accused to forfeit an amount equal to the maximum contribution authorized under s. ~~11.26~~ 11.1101 (1) for the office held or sought by the official, whichever amount is greater.

SECTION 55. 20.511 (1) (a) of the statutes is amended to read:

20.511 **(1)** (a) *General program operations; general purpose revenue.* Biennially, the amounts in the schedule for general program operations of the board, including the printing of forms, materials, manuals, and election laws under ss. 7.08 (1) (b), (3), and (4) and ~~11.21~~ 11.1304 (3) ~~and (14)~~, and the training of election officials under s. 5.05 (7).

SECTION 56. 20.511 (1) (i) of the statutes is amended to read:

20.511 **(1)** (i) *Elections administration; program revenue.* The amounts in the schedule for the administration of chs. 5 to 12. All moneys received from fees imposed under s. ~~11.055 (1)~~ 11.0102 (2) shall be credited to this appropriation account.

SECTION 57. 20.511 (1) (j) of the statutes is amended to read:

20.511 **(1)** (j) *Electronic filing software.* All moneys received from registrants who purchase software to be utilized for electronic filing of campaign finance reports under s. ~~11.21 (16)~~ 11.1304 (6), for the purpose of providing that software.

SECTION 58. 20.855 (6) (h) of the statutes is amended to read:

20.855 **(6)** (h) *Vehicle and aircraft receipts.* The amounts in the schedule for the purpose of subsidizing the cost of operation, maintenance, and depreciation of the vehicles and aircraft. All moneys received by state agencies under ss. ~~11.37~~ 11.1206 and 20.916 (7) for political and other personal uses of state−owned vehicles and aircraft shall be credited to this appropriation. The department of administration may transfer moneys from this appropriation to the proper appropriation of any state agency from which state vehicle and aircraft costs are financed.

SECTION 59. 36.11 (1) (cm) of the statutes is amended to read:

36.11 **(1)** (cm) The board shall promulgate rules under ch. 227 prescribing the times, places, and manner in which political literature may be distributed and political campaigning may be conducted in state−owned residence halls. No such rule may authorize any activity prohibited under s. ~~11.36 (3) or~~ 11.1207 (3) or (4).

SECTION 60. 111.365 (3) (a) of the statutes is amended to read:

111.365 **(3)** (a) The application of s. ~~11.36~~ 11.1207.

SECTION 61. 120.06 (6) (b) 5. of the statutes is amended to read:

120.06 **(6)** (b) 5. If a candidate has not filed a registration statement under s. ~~11.05~~ 11.0202 (1) (a) by the time he or she files a declaration of candidacy, the candidate shall file the statement with the declaration. A candidate shall file an amended declaration under oath with the school district clerk in the event of a change in any information provided in the declaration as provided in s. 8.21.

SECTION 62. 185.03 (10) (e) of the statutes is amended to read:

185.03 **(10)** (e) The cooperative dedicates any funds remaining unclaimed after the date specified in par. (b) to educational purposes, limited to providing scholarships or loans to students, or to charitable purposes, as the board determines, within one year after the date the funds are declared forfeited under par. (a). ~~In this paragraph, educational purposes does not include political purposes as defined in s. 11.01 (16).~~

SECTION 63. 202.12 (5) (a) 2. of the statutes is amended to read:

202.12 **(5)** (a) 2. A candidate for national, state, or local office or a political party or other committee or group required to file financial information with the federal elections commission or a filing officer under s. ~~11.02~~ 11.0102 (1).

SECTION 64. 341.14 (6r) (fm) 1. b. of the statutes is amended to read:

341.14 **(6r)** (fm) 1. b. The group or organization is not a ~~political~~ committee~~, as defined in s. 11.01 (4), or a political group~~, as defined in s. ~~11.01 (10)~~ 11.0101 (6).

SECTION 65. 346.94 (16) (b) 2. of the statutes is amended to read:

346.94 **(16)** (b) 2. The operator of a vehicle of a public utility~~, as defined in s. 11.40 (1) (a)~~. In this paragraph, public utility means any corporation, company, individual, or association which furnishes products or services to the public, and which is regulated under ch. 195 or 196, including railroads, telecommunications or telegraph companies and any company furnishing or producing heat, light, power or water.

SECTION 66. 349.135 (2) (b) of the statutes is amended to read:

349.135 **(2)** (b) The operator of a vehicle of a public utility~~, as defined in s. 11.40 (1) (a)~~. In this paragraph, public utility means any corporation, company, individual or association which furnishes products or services to the public, and which is regulated under ch. 195 or 196, including railroads, telecommunications or telegraph companies and any company furnishing or producing heat, light, power or water.

SECTION 67. 563.907 (3) (b) of the statutes is amended to read:

563.907 **(3)** (b) A political party, as defined in s. 5.02 (13), except a state ~~committee~~ political party registered under ~~s. 11.05 and organized exclusively for political purposes~~ subch. III of ch. 11 under whose name candidates appear on a ballot at any election.

SECTION 68. 630.05 (intro.) of the statutes is amended to read:

630.05 Political contributions. (intro.) Section ~~11.38~~ 11.1112 applies to:

SECTION 69. 755.01 (4) of the statutes is amended to read:

755.01 **(4)** Two or more cities, towns or villages of this state may enter into an agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1), except that for purposes of this subsection, any agreement under s. 66.0301 shall be effected by the enactment of identical ordinances by each affected city, town or village. Electors of each municipality entering into the agreement shall be eligible to vote for the judge of the municipal court so established. If a municipality enters into an agreement with a municipality that already has a municipal court, the municipalities may provide by ordinance or resolution that the judge for the existing municipal court shall serve as the judge for the joint court until the end of the term or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt an ordinance or bylaw under sub. (1) prior to entering into the agreement. The contracting municipalities need not be contiguous and need not all be in the same county. Upon entering into or discontinuing such an agreement, the contracting municipalities shall each transmit a certified copy of the ordinance or bylaw effecting or discontinuing the agreement to the appropriate filing officer under s. ~~11.02 (3e)~~ 11.0102 (1) (c) and to the director of state courts. When a municipal judge is elected under this subsection, candidates shall be nominated by filing nomination papers under s. 8.10 (6) (bm), and shall register with the filing officer specified in s. ~~11.02 (3e)~~.

SECTION 70. 758.13 (3) (g) 1. a. of the statutes is amended to read:

758.13 **(3)** (g) 1. a. "Candidate" has the meaning given in s. ~~11.01~~ 11.0101 (1).

SECTION 71. 758.13 (3) (g) 1. b. of the statutes is amended to read:

758.13 **(3)** (g) 1. b. "Contribution" has the meaning given in s. ~~11.01 (6)~~ 11.0101 (8).

SECTION 72. 946.11 (2) (b) of the statutes is renumbered 946.11 (2) (b) (intro.) and amended to read:

946.11 **(2)** (b) (intro.) "Privilege" ~~has the meaning designated under s. 11.40;~~ means anything of value not available to the general public, but does not include compensation or fringe benefits provided as a result of employment by a public utility to a regular employee or pensioner when the following conditions are satisfied:

SECTION 73. 946.11 (2) (b) 1. and 2. of the statutes are created to read:

946.11 **(2)** (b) 1. The regular employee or pensioner is not compensated specifically for services performed for a purpose related to the election or nomination for election of an individual to state or local office, the recall from or retention in office of an individual holding a state or local office, or for the purpose of payment of expenses incurred as a result of a recount at an election.

2. The regular employee or pensioner is not compensated in excess of that provided to other regular employees or pensioners of like status.

SECTION 74. Nonstatutory provisions.

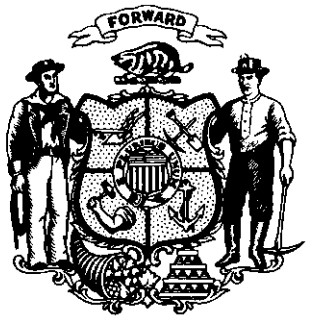
(1) RULE AND OPINION REVIEW. The government accountability board shall review all of the administrative rules currently in force promulgated by the board and any advisory opinions issued by the board affected by the provisions of this act. Beginning on the effective date of this subsection, any administrative rule that the board finds to be inconsistent with this act may not be enforced and any advisory opinion that the board finds to be inconsistent with this act is invalid.

(1m) RECONCILIATION PROVISION. If 2015 Assembly Bill 388 or 2015 Senate Bill 294 is enacted into law, the legislative reference bureau shall, when preparing the statutes for publication, change the term "government accountability board" to "ethics commission"; substitute "commission" for "board"; and make other changes necessary to effect the terminology change in chapter 11 of the statutes. The legislative reference bureau shall also identify and incorporate other changes that are necessary to effect the reconciliation of this act and 2015 Assembly Bill 388 or 2015 Senate Bill 294.

Section 75g. Effective dates. This act takes effect on the first day of the first full reporting period following publication, except as follows:

(1) The amendment of sections 11.1400 (5) and 11.1401 (2) of the statutes takes effect on June 30, 2016.

State of Wisconsin



Date of enactment: **March 26, 2018**
2017 Assembly Bill 843 Date of publication*: **March 27, 2018**

2017 WISCONSIN ACT 143

AN ACT ***to repeal*** 115.33 (4), 118.035 (5), 118.07 (4) (a) 2., 118.38 (4), 118.51 (4) (a) 4., 118.51 (6), 118.51 (7) (a) and 121.91 (5) (b); ***to renumber*** 118.51 (7) (b) and 121.91 (5) (a); ***to renumber and amend*** 118.07 (4) (a) 1.; ***to amend*** 51.17 (2), 115.28 (43), 118.07 (4) (b), 118.07 (4) (d), 118.07 (5), 118.126 (1) (c), 118.126 (2), 118.51 (3) (a) 4., 118.51 (9), 118.57 (2), 119.04 (1), 904.085 (4) (d), 905.045 (4) and 905.06 (4); and ***to create*** 15.253 (3), 20.455 (2) (f), 20.455 (2) (im), 20.923 (4) (c) 6., 118.07 (4) (bm) 1., 118.07 (4) (bm) 3., 118.07 (4) (cf), 118.07 (4) (cm), 118.07 (4) (cp), 118.07 (4) (e), 146.816 (2) (b) 5., 165.28, 165.88, 175.32, 230.08 (2) (wc) and 905.04 (4) (em) of the statutes; **relating to:** school safety; open enrollment; repealing outdated or expired reporting requirements; tuberculosis screening; providing an exemption from rule−making procedures; providing a criminal penalty; and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.253 (3) of the statutes is created to read:

15.253 **(3)** OFFICE OF SCHOOL SAFETY. There is created an office of school safety. The director of the office shall be appointed by the attorney general.

SECTION 2. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2017−18	**2018−19**
20.455 Justice, department of					
(2)	LAW ENFORCEMENT SERVICES				
(f)	School safety	GPR	C	100,000,000	−0−

SECTION 3. 20.455 (2) (f) of the statutes is created to read:

20.455 **(2)** (f) *School safety.* As a continuing appropriation, the amounts in the schedule to provide grants under s. 165.88 (2).

SECTION 4. 20.455 (2) (im) of the statutes is created to read:

20.455 **(2)** (im) *Training to school staff.* All moneys received from fees collected under s. 165.28 (3) to provide training to school staff under s. 165.28 (3).

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 5. 20.923 (4) (c) 6. of the statutes is created to read:

20.923 **(4)** (c) 6. Justice, department of: director of the office of school safety.

SECTION 6. 51.17 (2) of the statutes, as created by 2017 Wisconsin Act 140, is amended to read:

51.17 **(2)** AUTHORIZATION. Any health care provider, as permitted by s. 146.816 (2) (b) 4. or 5., and any law enforcement officer may make a disclosure of information evidencing that an individual poses a substantial probability of serious bodily harm to any other person in a good faith effort to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

SECTION 6j. 115.28 (43) of the statutes is amended to read:

115.28 **(43)** SCHOOL SAFETY FUNDING. With the department of justice, seek and apply for federal funds relating to school safety and reducing violence and disruption in schools, including funds for alternative schools or programs. ~~Each department shall make a report by January 1, 2001, and January 1, 2003, of its progress in applying for and obtaining funds under this subsection. The report shall be provided to the legislature in the manner provided under s. 13.172 (2) to the cochairpersons of the joint committee on finance and to the governor.~~

SECTION 6p. 115.33 (4) of the statutes is repealed.

SECTION 6r. 118.035 (5) of the statutes is repealed.

SECTION 7. 118.07 (4) (a) 1. of the statutes is renumbered 118.07 (4) (a) and amended to read:

118.07 **(4)** (a) Each school board and the governing body of each private school shall have in effect a school safety plan ~~for each public or private school in the school district within 3 years of May 27, 2010~~.

SECTION 8. 118.07 (4) (a) 2. of the statutes is repealed.

SECTION 9. 118.07 (4) (b) of the statutes is amended to read:

118.07 **(4)** (b) A school safety plan shall be created with the active participation of appropriate parties, as specified by the school board or governing body of the private school. The appropriate parties may include the department of justice, local law enforcement officers, fire fighters, school administrators, teachers, pupil services professionals, as defined in s. 118.257 (1) (c), and mental health professionals. Before creating or updating a school safety plan, a school board or governing body of a private school shall, in consultation with a local law enforcement agency, conduct an on−site safety assessment of each school building, site, and facility that is regularly occupied by pupils. The on−site assessment shall include playgrounds, athletic facilities or fields, and any other property that is occupied by pupils on a regular basis.

(bm) A school safety plan shall include ~~general~~ all of the following:

2. General guidelines specifying procedures for emergency prevention and mitigation, preparedness, response, and recovery. ~~The plan shall also specify the~~

4. The process for reviewing the methods for conducting drills required to comply with the plan.

SECTION 10. 118.07 (4) (bm) 1. of the statutes is created to read:

118.07 **(4)** (bm) 1. An individualized safety plan for each school building and facility that is regularly occupied by pupils. The individualized safety plan shall include any real property related to the school building or facility that is regularly occupied by pupils.

SECTION 11. 118.07 (4) (bm) 3. of the statutes is created to read:

118.07 **(4)** (bm) 3. Guidelines and procedures to address school violence and attacks, threats of school violence and attacks, bomb threats, fire, weather−related emergencies, intruders, parent−student reunification, and threats to non−classroom events, including recess, concerts and other performances, athletic events, and any other extracurricular activity or event.

SECTION 12. 118.07 (4) (cf) of the statutes is created to read:

118.07 **(4)** (cf) Upon the creation of a school safety plan under par. (a) and upon each review of a school safety plan under par. (d), a school board shall submit a copy of the most recent blueprints of each school building and facility in the school district to each local law enforcement agency with jurisdiction over any portion of the school district and to the office of school safety. Upon the creation of a school safety plan under par. (a) and upon each review of a safety plan under par. (d), a governing body of a private school shall submit a copy of the most recent blueprints of the private school and all of its facilities to each local law enforcement agency with jurisdiction over the private school and to the office of school safety.

SECTION 13. 118.07 (4) (cm) of the statutes is created to read:

118.07 **(4)** (cm) Neither a school board nor a governing body of a private school may include in a school safety plan any of the following:

1. A requirement for an employee to contact a school administrator, school official, or any other person before calling the telephone number "911".

2. A prohibition against an employee reporting school violence or a threat of school violence directly to a law enforcement agency.

3. A prohibition against an employee reporting a suspicious individual or activity directly to a law enforcement agency.

SECTION 14. 118.07 (4) (cp) of the statutes is created to read:

118.07 **(4)** (cp) Each school board and the governing body of each private school shall ensure that, at each school building regularly occupied by pupils, pupils are

drilled, at least annually, in the proper response to a school violence event in accordance with the school safety plan in effect for that school building. The person having direct charge of the school building at which a drill is held under this paragraph shall submit a brief written evaluation of the drill to the school board or governing body of the private school within 30 days of holding the drill. The school board or governing body of the private school shall review all written evaluation submitted under this paragraph. A drill under this paragraph may be substituted for a school safety drill required under sub. (2) (a).

SECTION 15. 118.07 (4) (d) of the statutes is amended to read:

118.07 **(4)** (d) Each school board and the governing body of each private school shall review and approve the school safety plan at least once every 3 years after the plan goes into effect.

SECTION 16. 118.07 (4) (e) of the statutes is created to read:

118.07 **(4)** (e) Before January 1, 2019, and before each January 1 thereafter, each school board and the governing body of each private school shall file a copy of its school safety plan with the office of school safety. At the time a school board or governing body files a school safety plan, the school board or governing body shall also submit all of the following to the office of school safety:

1. The date of the annual drill or drills under par. (cp) held during the previous year.

2. Certification that a written evaluation of the drill or drills under par. (cp) was reviewed by the school board or governing body under par. (cp).

3. The date of the most recent school training on school safety required under par. (c) and the number of attendees.

4. The most recent date on which the school board or governing body reviewed and approved the school safety plan.

5. The most recent date on which the school board or governing body consulted with a local law enforcement agency to conduct on-site safety assessments required under par. (b).

SECTION 17. 118.07 (5) of the statutes is amended to read:

118.07 **(5)** Each school board shall require every employee of the school district governed by the school board to receive training provided by the department in identifying children who have been abused or neglected ~~and~~, in the laws and procedures under s. 48.981 governing the reporting of suspected or threatened child abuse and neglect, and in the laws under s. 175.32 governing the reporting of a threat of violence. A school district employee shall receive that training within the first 6 months after commencing employment with the school district and at least once every 5 years after that initial training.

SECTION 18. 118.126 (1) (c) of the statutes is amended to read:

118.126 **(1)** (c) The information is required to be reported under s. 48.981 or 175.32.

SECTION 19. 118.126 (2) of the statutes is amended to read:

118.126 **(2)** A school psychologist, counselor, social worker, or nurse, or any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities, who in good faith discloses or fails to disclose information under sub. (1) is immune from civil liability for such acts or omissions. This subsection does not apply to information required to be reported under s. 48.981 or 175.32.

SECTION 19f. 118.38 (4) of the statutes is repealed.

SECTION 19h. 118.51 (3) (a) 4. of the statutes is amended to read:

118.51 **(3)** (a) 4. On or before the 2nd Friday following the first Monday in June following receipt of a copy of the application, if a resident school board denies a pupil's enrollment in a nonresident school district ~~under sub. (6) or (7)~~, the resident school board shall notify the applicant and the nonresident school board, in writing, that the application has been denied and include in the notice the reason for the denial.

SECTION 19j. 118.51 (4) (a) 4. of the statutes is repealed.

SECTION 19k. 118.51 (6) of the statutes is repealed.

SECTION 19L. 118.51 (7) (a) of the statutes is repealed.

SECTION 19m. 118.51 (7) (b) of the statutes is renumbered 118.51 (7).

SECTION 19n. 118.51 (9) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

118.51 **(9)** APPEAL OF REJECTION. If the nonresident school board rejects an application under sub. (3) (a) or (7), the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (3m) (d)~~, (6), or (7),~~ or the nonresident school board prohibits a pupil from attending public school in the nonresident school district under sub. (11), the pupil's parent may appeal the decision to the department within 30 days after the decision. If the nonresident school board provides notice that the special education or related service is not available under sub. (12) (b), the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable.

SECTION 19p. 118.57 (2) of the statutes is amended to read:

118.57 **(2)** The school board shall include in the notice under sub. (1) the most recent performance category assigned under s. 115.385 ~~(2)~~ (1) (b) to each school within the school district boundaries, including charter

schools established under s. 118.40 (2r) or (2x) and private schools participating in a parental choice program under s. 118.60 or 119.23. The notice published by the school board shall inform parents that the full school and school district accountability report is available on the school board's Internet site.

SECTION 19q. 119.04 (1) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.38 (2), 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), (38), and (39), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board but not, unless explicitly provided in this chapter or in the terms of a contract, to the commissioner or to any school transferred to an opportunity schools and partnership program.

SECTION 19r. 121.91 (5) (a) of the statutes is renumbered 121.91 (5).

SECTION 19s. 121.91 (5) (b) of the statutes is repealed.

SECTION 20. 146.816 (2) (b) 5. of the statutes is created to read:

146.816 **(2)** (b) 5. For purposes of disclosing under s. 175.32 any threat made by a patient regarding violence in or targeted at a school in a good faith effort to prevent or lessen a serious and imminent threat to the health or safety of a student or school employee or the public.

SECTION 21. 165.28 of the statutes is created to read:

165.28 Office of school safety. The office of school safety shall do all of the following:

(1) In conjunction with the department of public instruction, create model practices for school safety. The department of public instruction shall provide any resources or staff requested by the office to create the model practices. The office shall also consult the Wisconsin School Safety Coordinators Association and the Wisconsin Safe and Healthy Schools Training and Technical Assistance Center.

(2) Coordinate with schools under s. 118.07 (4) (cf) and the department of administration to compile blueprints and geographic information system maps for all schools. The office shall keep all blueprints and maps confidential unless a law enforcement agency requests access to the blueprints or maps.

(3) Offer, or contract with another party to offer, training to school staff on school safety. Training subjects may include trauma informed care and how adverse childhood experiences have an impact on a child's development and increase needs for counseling or support. If a school receives under s. 165.88 (2) (b) a grant for the training under this subsection, the office may charge a fee for the training.

SECTION 22. 165.88 of the statutes is created to read:

165.88 Grants for school safety. (1) DEFINITIONS. In this section:

(a) "Independent charter school" means a charter school established under s. 118.40 (2r) or (2x).

(b) "Private school" has the meaning given in s. 115.001 (3r).

(c) "School board" has the meaning given in s. 115.001 (7).

(d) "Tribal school" has the meaning given in s. 115.001 (15m).

(2) GRANTS FOR SCHOOL SAFETY. (a) From the appropriation under s. 20.455 (2) (f), the department of justice shall award grants for expenditures related to improving school safety. The department shall accept applications for a grant under this subsection from school boards, operators of independent charter schools, governing bodies of private schools, and tribal schools.

(b) The department of justice, in consultation with the department of public instruction, shall develop a plan for use in awarding grants under this subsection. The department of justice shall include in the plan a description of what types of expenditures are eligible to be funded by grant proceeds. Eligible expenditures shall include expenditures to comply with the model practices created in s. 165.28 (1); expenditures for training under s. 165.28 (3); expenditures for safety–related upgrades to school buildings, equipment, and facilities; and expenditures necessary to comply with s. 118.07 (4) (cf). Notwithstanding s. 227.10 (1), the plan need not be promulgated as rules under ch. 227.

(3) APPLICATION REQUIREMENTS. An application submitted for a grant under sub. (2) shall include all of the following:

(a) A school safety plan.

(b) Blueprints of each school building and facility or, if blueprints were already submitted, a certification that the blueprints submitted are current.

(c) A proposed plan of expenditure of the grant moneys.

(4) REPORT. The department of justice shall submit an annual report to the cochairpersons of the joint committee on finance providing an account of the grants awarded under sub. (2) and the expenditures made with the grant moneys.

SECTION 23. 175.32 of the statutes is created to read:

175.32 School violence. (1) In this section:

(a) "Law enforcement agency" has the meaning given in s. 165.77 (1) (b) and includes a tribal law enforcement agency, as defined in s. 165.83 (1) (e).

(b) "Member of the clergy" has the meaning given in s. 48.981 (1) (cx).

(c) "School" means a public, private, or tribal elementary or secondary school.

(2) (a) Any person listed under s. 48.981 (2) (a) shall report as provided in sub. (3) if the person believes in good faith, based on a threat made by an individual seen in the course of professional duties regarding violence in or targeted at a school, that there is a serious and imminent threat to the health or safety of a student or school employee or the public.

(b) A court−appointed special advocate under s. 48.236 shall report as provided under sub. (3) if he or she believes in good faith, based on a threat made by a child seen in the course of activities under s. 48.236 (3) regarding violence in or targeted at a school, that there is a serious and imminent threat to the health or safety of a student or school employee or the public.

(c) 1. Except as provided in subd. 2., a member of the clergy shall report as provided in sub. (3) if the member of the clergy believes in good faith, based on a threat of violence in or targeted at a school made by an individual seen in the course of professional duties, that there is a serious and imminent threat to the health or safety of a student or school employee or the public.

2. A member of the clergy is not required to report a threat of violence that he or she receives solely through confidential communications made to him or her privately or in a confessional setting if he or she is authorized to hear or is accustomed to hearing such communications and, under the disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those communications secret. Those disciplines, tenets, or traditions need not be in writing.

(3) A person required to report under sub. (2) shall immediately inform, by telephone or personally, a law enforcement agency of the facts and circumstances contributing to the belief that there is a serious and imminent threat to the health or safety of a student or school employee or the public.

(4) Any person or institution participating in good faith in the making of a report under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. Any health care provider, as defined in s. 146.81 (1), who believes in good faith and in his or her professional judgment that a report is not required under this section shall have immunity from any civil liability or criminal penalty for not making such a report. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed.

(5) Whoever intentionally violates this section by failure to report as required may be fined not more than $1,000 or imprisoned not more than 6 months or both.

SECTION 24. 230.08 (2) (wc) of the statutes is created to read:

230.08 **(2)** (wc) The director of the office of school safety in the department of justice.

SECTION 25. 904.085 (4) (d) of the statutes is amended to read:

904.085 **(4)** (d) A mediator reporting child or unborn child abuse under s. 48.981, reporting a threat of violence in or targeted at a school under s. 175.32, or reporting nonidentifying information for statistical, research, or educational purposes does not violate this section.

SECTION 26. 905.04 (4) (em) of the statutes is created to read:

905.04 **(4)** (em) *School violence.* There is no privilege for information contained in a report of a threat of violence in or targeted at a school that is provided under s. 175.32 (3).

SECTION 27. 905.045 (4) of the statutes is amended to read:

905.045 **(4)** EXCEPTIONS. Subsection (2) does not apply to any report concerning child abuse that a victim advocate is required to make under s. 48.981 or concerning a threat of violence in or targeted at a school that a victim advocate is required to make under s. 175.32.

SECTION 28. 905.06 (4) of the statutes is amended to read:

905.06 **(4)** EXCEPTIONS. There is no privilege under this section concerning observations or information that a member of the clergy, as defined in s. 48.981 (1) (cx), is required to report as suspected or threatened child abuse under s. 48.981 (2) (bm) or as a threat of violence in or targeted at a school under s. 175.32.

SECTION 29. Nonstatutory provisions.

(1) OFFICE OF SCHOOL SAFETY; POSITION AUTHORIZATION. There is authorized for the office of school safety in the department of justice 1.0 FTE GPR director position.

(2) SCHOOL BLUEPRINTS; INITIAL SUBMISSIONS.

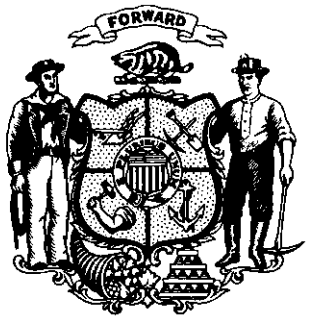
(a) By no later than July 1, 2018, a school board shall provide blueprints of each school building and facility in the school district to each local law enforcement agency with jurisdiction over any portion of the school district and to the office of school safety in the department of justice.

(b) By no later than July 1, 2018, the governing body of a private school shall provide blueprints of the private school buildings and facilities to each local law enforcement agency with jurisdiction over the private school and to the office of school safety in the department of justice.

(c) By no later than July 1, 2018, the operator of a charter school established under section 118.40 (2r) or

(2x) of the statutes shall provide blueprints of the charter school buildings and facilities to each local law enforcement agency with jurisdiction over the charter school and to the office of school safety in the department of justice.

State of Wisconsin



Date of enactment: **March 30, 2018**
2017 Assembly Bill 953 Date of publication*: **March 31, 2018**

2017 WISCONSIN ACT 185

AN ACT ***to repeal*** 301.20; ***to renumber*** 938.48 (16); ***to renumber and amend*** 938.357 (3) and 938.357 (4) (a); ***to amend*** 16.99 (3b), 20.866 (1) (u), 20.866 (2) (ux), 20.866 (2) (v), 46.011 (1p), 46.057 (1), 46.20 (3), 46.22 (1) (a), 48.023 (4), 48.526 (2) (c), 48.526 (6) (b), 48.526 (7) (bm), 48.66 (1) (b), 49.11 (1c), 49.45 (25) (bj), 51.35 (3) (a), 51.35 (3) (c) and (e), 301.01 (1n), 301.03 (9), 301.03 (10) (d), 301.08 (1) (b) 3., 301.16 (1x), 301.37 (1), 938.02 (4), 938.02 (15g), 938.22 (1) (a), 938.22 (2) (a), 938.225, 938.34 (2) (a), 938.34 (2) (b), 938.34 (3) (f) 1., 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.357 (1) (am) 1., 938.357 (4) (am), 938.357 (4) (b) 1., 938.357 (4) (b) 2., 938.357 (4) (b) 4., 938.357 (4) (c) 1., 938.357 (4m), 938.48 (3), 938.48 (4), 938.48 (4m) (b), 938.48 (5), 938.48 (6), 938.48 (14), 938.49 (title), 938.49 (1), 938.49 (2) (intro.), 938.49 (2) (a), 938.505 (1), 938.52 (2) (a) and (c), 938.53, 938.535, 938.539 (2), 938.539 (3), 938.539 (4), 938.539 (5), 938.54, 938.59 (1) and 938.595; ***to repeal and recreate*** 938.357 (4) (title); and ***to create*** 13.48 (27m), 13.94 (1) (v), 13.94 (1s) (c) 9., 20.410 (3) (f), 20.410 (3) (fm), 20.437 (1) (ck), 20.866 (2) (uzc), 46.20 (1m), 48.527, 59.53 (8m), 121.79 (1) (e), 301.16 (1f), 301.16 (1w), 301.18 (1) (fm), 301.37 (1m), 301.373, 302.01 (13), 938.22 (2) (d), 938.357 (3) (b), (c) and (d), 938.357 (4) (ab), 938.357 (4) (d) and 938.48 (16) (b) of the statutes; **relating to:** juvenile correctional facilities, secured residential care centers for children and youth, juvenile detention facilities, youth aids, granting bonding authority, providing an exemption from emergency rule procedures, granting rule−making authority, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.48 (27m) of the statutes is created to read:

13.48 **(27m)** SECURED RESIDENTIAL CARE CENTERS FOR CHILDREN AND YOUTH. (a) The legislature finds and determines that the legislative intent set forth under s. 938.01 (2) is served by the design and construction of secured residential care centers for children and youth and attached juvenile detention facilities and that the design and construction of such facilities is a statewide concern of statewide dimension. It is therefore in the public interest, and it is the public policy of this state, to assist counties in designing and constructing secured res−idential care centers for children and youth and attached juvenile detention facilities.

(b) The building commission may authorize up to a total of $40,000,000 in general fund supported borrow−ing to assist counties in establishing or constructing secured residential care centers for children and youth and attached juvenile detention facilities. Any such state funding commitment shall be in the form of a grant to a county issued under 2017 Wisconsin Act .... (this act), section 110 (4).

(c) If for any reason, the facility that is constructed with funds from the grant is not used for the purposes

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

identified in the grant under 2017 Wisconsin Act .... (this act), section 110 (4), the state shall retain an ownership interest in the facility equal to the amount of the state's grant.

SECTION 2. 13.94 (1) (v) of the statutes is created to read:

13.94 **(1)** (v) Conduct an audit, at the request of the department of corrections, of a county's net operating costs for a secured residential care center for children and youth that holds only female juveniles for the purpose of determining the amount, if any, of a net operating loss to be reimbursed by the department of corrections to a county under s. 301.373. The bureau shall report the result of the audit to the department of corrections as soon as practicable.

SECTION 3. 13.94 (1s) (c) 9. of the statutes is created to read:

13.94 **(1s)** (c) 9. The department of corrections for the cost of an audit performed under sub. (1) (v).

SECTION 4. 16.99 (3b) of the statutes is amended to read:

16.99 **(3b)** "Juvenile correctional facility" means ~~the Copper Lake School and the Lincoln Hills School~~ a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), but does not include the Mendota juvenile treatment center under s. 46.057.

SECTION 5. 20.410 (3) (f) of the statutes is created to read:

20.410 **(3)** (f) *Operating loss reimbursement program.* A sum sufficient for reimbursement to counties under s. 301.373 and for audits conducted by the legislative audit bureau under s. 13.94 (1) (v).

SECTION 6. 20.410 (3) (fm) of the statutes is created to read:

20.410 **(3)** (fm) *Secured residential care centers for children and youth.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the design and construction of secured residential care centers for children and youth and attached juvenile detention facilities as specified in s. 13.48 (27m), to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing those projects, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 7. 20.437 (1) (ck) of the statutes is created to read:

20.437 **(1)** (ck) *Community youth and family aids; bonus for county facilities.* The amounts in the schedule for bonuses to qualifying counties with a secured residential care center for children and youth under s. 48.527.

SECTION 8. 20.866 (1) (u) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

20.866 **(1)** (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (s), 20.190 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e), 20.255 (1) (d), 20.285 (1) (d), (je), and (gj), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ad), (ag), (aq), (ar), (at), (au), (bq), (br), (cb), (cc), (cd), (cg), (cq), (cr), (cs), (ct), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko) and (3) (e) and (fm), 20.435 (2) (ee), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and (5) (c), (g), and (kc), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bj), (bL), (bm), (bn), (bq), (br), (bt), (bu), (bv), (bw), (bx), (cb), (cd), (cf), (ch), (cj), (cq), (cr), (cs), (g), (h), (i), (kd), and (q) for the payment of principal, interest, premium due, if any, and payment due, if any, under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt contracted under subchs. I and IV of ch. 18.

SECTION 9. 20.866 (2) (ux) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

20.866 **(2)** (ux) *Corrections; correctional facilities.* From the capital improvement fund, a sum sufficient for the department of corrections to acquire, construct, develop, enlarge, or improve adult and juvenile correctional facilities. The state may contract public debt in an amount not to exceed ~~$926,679,900~~ $951,679,900 for this purpose.

SECTION 10. 20.866 (2) (uzc) of the statutes is created to read:

20.866 **(2)** (uzc) *Secured residential care centers for children and youth.* From the capital improvement fund, a sum sufficient for the department of corrections to provide grants to counties for designing and constructing secured residential care centers for children and youth and attached juvenile detention facilities as specified in s. 13.48 (27m). The state may contract public debt in an amount not to exceed $40,000,000 for this purpose.

SECTION 11. 20.866 (2) (v) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

20.866 **(2)** (v) *Health services; mental health and secure treatment facilities.* From the capital improvement fund, a sum sufficient for the department of health services to acquire, construct, develop, enlarge, or extend mental health and secure treatment facilities. The state may contract public debt in an amount not to exceed ~~$208,646,200~~ $223,646,200 for this purpose.

SECTION 12. 46.011 (1p) of the statutes is amended to read:

46.011 **(1p)** "Juvenile correctional services" means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

SECTION 13. 46.011 (1p) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

46.011 **(1p)** "Juvenile correctional services" means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 ~~(2),~~ (4h), ~~(4m),~~ (4n), or (7g), or 938.357 (3) or (4).

SECTION 14. 46.057 (1) of the statutes is amended to read:

46.057 **(1)** The department shall establish, maintain, and operate the Mendota juvenile treatment center on the grounds of the Mendota Mental Health Institute. The department may designate staff at the Mendota Mental Health Institute as responsible for administering, and providing services at, the center. Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the Mendota juvenile treatment center as a juvenile correctional facility, as defined in s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in other juvenile correctional facilities and whose mental health needs can be met at the center. With the approval of the department of health services, the department of corrections may transfer to the center any juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections under s. 938.183, 938.34 (4h) or (4m), or 938.357 (3), (4), or (5) (e) in the same manner that the department of corrections transfers juveniles between other juvenile correctional facilities. Upon the recommendation of the department of health services, a court may place a juvenile at the center in a proceeding for a change in placement order under s. 938.357 (3).

SECTION 15. 46.057 (1) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

46.057 **(1)** The department shall establish, maintain, and operate the Mendota juvenile treatment center on the grounds of the Mendota Mental Health Institute. The department may designate staff at the Mendota Mental Health Institute as responsible for administering, and providing services at, the center. Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the Mendota juvenile treatment center as a juvenile correctional facility, as defined in s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in other juvenile correctional facilities and whose mental health needs can be met at the center. With the approval of the department of health services, the department of corrections may transfer to the center any juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections under s. 938.183, 938.34 (4h) or ~~(4m)~~, or 938.357 (3), (4), or (5) (e) in the same manner that the department of corrections transfers juveniles between other juvenile correctional facilities. Upon the recommendation of the department of health services, a court may place a juvenile at the center in a proceeding for a change in placement order under s. 938.357 (3).

SECTION 16. 46.20 (1m) of the statutes is created to read:

46.20 **(1m)** Any 2 or more counties may jointly, by majority vote of all the members of each county board, provide for a secured residential care center for children and youth, as defined in s. 938.02 (15g), under ss. 59.52 (7) and 66.0301. A secured residential care center for children and youth established under this section shall be the county secured residential care center for children and youth of each of the counties so joining.

SECTION 17. 46.20 (3) of the statutes is amended to read:

46.20 **(3)** Upon approval of the site, plans, and specifications for the institution, as provided in ss. 46.17 and 301.37~~, as to other institutions~~, the joint committee shall report to the several county boards the estimated cost of the site and buildings, and the amount thereof chargeable to each county on the basis set forth in sub. (6) (a), appending to each report a copy of the plans and specifications and all matter relating to the site and buildings. If the report is approved by each county board, the joint committee shall purchase the site and cause the buildings to be erected in accordance with the plans and specifications.

SECTION 18. 46.22 (1) (a) of the statutes is amended to read:

46.22 **(1)** (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county board of supervisors of any county with a population of less than ~~500,000~~ 750,000, or the county boards of 2 or more counties, shall establish a county department of social services on a single–county or multicounty basis. The county department of social services shall consist of a county social services board, a county social services director and necessary personnel.

SECTION 19. 48.023 (4) of the statutes is amended to read:

48.023 **(4)** The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) or the supervision of a county department under s. 938.34 (4d), (4m), or (4n).

SECTION 20. 48.023 (4) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

48.023 **(4)** The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the department of corrections under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n), or 938.357 (3) or (4) or the supervision of a county department under s. 938.34 (4d), (4m), or (4n).

SECTION 21. 48.526 (2) (c) of the statutes is amended to read:

48.526 **(2)** (c) All funds to counties under this section shall be used to purchase or provide community–based juvenile delinquency–related services, as defined in s. 46.011 (1c), and to purchase juvenile correctional services, as defined in s. 46.011 (1p), except that no funds to counties under this section may be used for purposes of land purchase, building construction, or maintenance of buildings under s. 46.17, 46.175, or 301.37, for reimbursement of costs under s. 938.209, for city lockups, or for reimbursement of care costs in temporary shelter care under s. 938.22. Funds to counties under this section may be used for reimbursement of costs of program services, ~~other than~~ including basic care and supervision costs, in juvenile detention facilities and secured residential care centers for children and youth.

SECTION 22. 48.526 (6) (b) of the statutes is amended to read:

48.526 **(6)** (b) The criteria developed under par. (a) shall include performance standards criteria to be used to determine whether counties are successfully diverting juveniles from juvenile correctional facilities and secured residential care centers for children and youth to less restrictive community programs and are successfully rehabilitating juveniles who are adjudged delinquent. Counties shall provide information requested by the department in order to apply the criteria and assess their performances.

SECTION 23. 48.526 (7) (bm) of the statutes is amended to read:

48.526 **(7)** (bm) Of the amounts specified in par. (a), the department shall allocate $6,250,000 for the last 6 months of 2015, $12,500,000 for 2016, and $6,250,000 for the first 6 months of 2017 to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility or a secured residential care center for children and youth during the most recent 3–year period for which that information is available.

SECTION 24. 48.527 of the statutes is created to read:

48.527 Community youth and family aids; bonus for county facilities. From the appropriation under s. 20.437 (1) (ck), the department shall allocate an amount equal to 15 percent of a county's allocation in the preceding fiscal year under s. 48.526 or $750,000, whichever is less, in additional funds for a county that operates a joint secured residential care center for children and youth under s. 46.20 (1m) that was funded by a grant under 2017 Wisconsin Act .... (this act), section 110 (4).

SECTION 25. 48.66 (1) (b) of the statutes, as affected by 2017 Wisconsin Act 47, is amended to read:

48.66 **(1)** (b) Except as provided in s. 48.715 (6), the department of corrections may license a child welfare agency to operate a secured residential care center for children and youth for holding in secure custody juveniles who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h), or (4m) and referred to the child welfare agency by the court, the county department, or the department of corrections and to provide supervision, care, and maintenance for those juveniles.

SECTION 26. 49.11 (1c) of the statutes is amended to read:

49.11 **(1c)** "Community–based juvenile delinquency–related services" means juvenile delinquency–related services provided under ch. 938 other than services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

SECTION 27. 49.11 (1c) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

49.11 **(1c)** "Community–based juvenile delinquency–related services" means juvenile delinquency–related services provided under ch. 938 other than services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 ~~(2),~~ (4h), ~~(4m),~~ (4n), or (7g), or 938.357 (3) or (4).

SECTION 28. 49.45 (25) (bj) of the statutes is amended to read:

49.45 **(25)** (bj) The department of corrections may elect to provide case management services under this subsection to persons who are under the supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4), who are Medical Assistance beneficiaries, and who meet one or more of the conditions specified in par. (am). The amount of the allowable charges for those services under the Medical Assistance program that is not provided by the federal government shall be paid from the appropriation account under s. 20.410 (3) (hm), (ho), or (hr).

SECTION 29. 49.45 (25) (bj) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

49.45 **(25)** (bj) The department of corrections may elect to provide case management services under this subsection to persons who are under the supervision of that department under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n), or 938.357 (3) or (4), who are Medical Assistance beneficiaries, and who meet one or more of the conditions specified in par. (am). The amount of the allowable charges for those services under the Medical Assistance program that is not provided by the federal government

shall be paid from the appropriation account under s. 20.410 (3) (hm), (ho), or (hr).

SECTION 30. 51.35 (3) (a) of the statutes is amended to read:

51.35 **(3)** (a) A licensed psychologist of a juvenile correctional facility or a secured residential care center for children and youth, or a licensed physician of a county department under s. 938.02 (2g) or the department of corrections, who has reason to believe that any individual confined in the juvenile correctional facility or secured residential care center for children and youth is, in his or her opinion, in need of services for developmental disability, alcoholism, or drug dependency or in need of psychiatric services, and who has obtained consent to make a transfer for treatment, shall make a report, in writing, to the superintendent of the juvenile correctional facility or secured residential care center for children and youth, stating the nature and basis of the belief and verifying the consent. In the case of a minor age 14 or older who is in need of services for developmental disability or who is in need of psychiatric services, the minor and the minor's parent or guardian shall consent unless the minor is admitted under s. 51.13 (1) (c) or unless the minor refuses to consent, in which case the minor's parent or guardian may consent on behalf of the minor. In the case of a minor age 14 or older who is in need of services for alcoholism or drug dependency or a minor under the age of 14 who is in need of services for developmental disability, alcoholism, or drug dependency or in need of psychiatric services, only the minor's parent or guardian needs to consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent shall inform, orally and in writing, the minor and the minor's parent or guardian, that transfer is being considered and shall inform them of the basis for the request and their rights as provided in s. 51.13 (3) (am). If the county department or the department of corrections, upon review of a request for transfer, determines that transfer is appropriate, that department shall immediately notify the department of health services and, if the department of health services consents, the county department or department of corrections may immediately transfer the individual. The department of health services shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility is located.

SECTION 31. 51.35 (3) (c) and (e) of the statutes, as affected by 2017 Wisconsin Act 34, are amended to read:

51.35 **(3)** (c) A licensed psychologist of a juvenile correctional facility or a secured residential care center for children and youth or a licensed physician of a county department under s. 938.02 (2g) or the department of corrections, who has reason to believe that any individual confined in the juvenile correctional facility or secured residential care center for children and youth, in his or her opinion, has a mental illness, drug dependency, or developmental disability and is dangerous as described in s. 51.20 (1) (a) 2., or is dangerous and is an alcoholic or a person who is drug dependent as described in s. 51.45 (13) (a) 1. and 2., shall file a written report with the superintendent of the juvenile correctional facility or secured residential care center for children and youth, stating the nature and basis of the belief. If the superintendent, upon review of the allegations in the report, determines that transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county where the juvenile correctional facility or secured residential care center for children and youth is located. The court shall hold a hearing according to procedures provided in s. 51.20 or 51.45 (13).

(e) The department of corrections or a county department under s. 938.02 (2g) may authorize emergency transfer of an individual from a juvenile correctional facility or a secured residential care center for children and youth to a state treatment facility if there is cause to believe that the individual has a mental illness, drug dependency, or developmental disability and exhibits conduct that constitutes a danger as described under s. 51.20 (1) (a) 2. a., b., c., or d. to the individual or to others, has a mental illness, is dangerous, and satisfies the standard under s. 51.20 (1) (a) 2. e., or is dangerous and is an alcoholic or a person who is drug dependent as provided in s. 51.45 (13) (a) 1. and 2. The custodian of the sending juvenile correctional facility or secured residential care center for children and youth shall execute a statement of emergency detention or petition for emergency commitment for the individual and deliver it to the receiving state treatment facility. The department of health services shall file the statement or petition with the court within 24 hours after the subject individual is received for detention or commitment. The statement or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made, the director of the receiving facility may file a petition for continued commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the juvenile correctional facility or secured residential care center for children and youth from which the transfer was made. As an alternative to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no individual may be released without the approval of the court that directed confinement in the juvenile correctional facility or secured residential care center for children and youth.

SECTION 32. 59.53 (8m) of the statutes is created to read:

59.53 **(8m)** SECURED RESIDENTIAL CARE CENTER FOR CHILDREN AND YOUTH. The board may establish, or contract with a child welfare agency to establish, a secured residential care center for children and youth, on its own or jointly with one or more counties, under ss. 46.20 (1m), 59.52 (7), 66.0301, and 938.22 (1) (a), or may contract with another county to place juveniles in that coun–

ty's secured residential care center for children and youth. If a board contracts with another county to place a juvenile at that county's secured residential care center for children and youth, that secured residential care center for children and youth shall be the county secured residential care center for children and youth of the placing county with respect to the placed juvenile.

SECTION 33. 121.79 (1) (e) of the statutes is created to read:

121.79 **(1)** (e) For pupils in secured residential care centers for children and youth, as defined under s. 938.02 (15g).

SECTION 34. 301.01 (1n) of the statutes is amended to read:

301.01 **(1n)** "Juvenile correctional services" means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

SECTION 35. 301.01 (1n) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

301.01 **(1n)** "Juvenile correctional services" means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 ~~(2),~~ (4h), ~~(4m),~~ (4n), or (7g), or 938.357 (3) or (4).

SECTION 36. 301.03 (9) of the statutes is amended to read:

301.03 **(9)** Supervise all persons placed in a state prison under s. 938.183~~, all persons placed under court–ordered departmental supervision under s. 938.34 (2), all persons placed in the serious juvenile offender program under s. 938.34 (4h), all persons placed in a juvenile correctional facility or a secured residential treatment center for children and youth under s. 938.34 (4m) or 938.357 (4), all persons placed under community supervision under s. 938.34 (4n) or 938.357 (4), and all persons placed in an experiential education program under the supervision of the department under s. 938.34 (7g)~~ and all persons placed under the supervision of the department by the court under ch. 938.

SECTION 37. 301.03 (10) (d) of the statutes is amended to read:

301.03 **(10)** (d) Administer the office of juvenile offender review in the division of juvenile corrections in the department. The office shall be responsible for decisions regarding case planning and the release of juvenile offenders who are under the supervision of the department from juvenile correctional facilities or secured residential care centers for children and youth to aftercare or community supervision placements.

SECTION 38. 301.03 (10) (d) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

301.03 **(10)** (d) Administer the office of juvenile offender review in the division of juvenile corrections in the department. The office shall be responsible for decisions regarding case planning and the release of juvenile offenders who are under the supervision of the department from juvenile correctional facilities or secured residential care centers for children and youth to ~~aftercare or~~ community supervision placements.

SECTION 39. 301.08 (1) (b) 3. of the statutes is amended to read:

301.08 **(1)** (b) 3. Contract with public, private, or voluntary agencies for the supervision, maintenance, and operation of juvenile correctional facilities, residential care centers for children and youth, as defined in s. 938.02 (15d), and secured residential care centers for children and youth for the placement of juveniles who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h), or (4m). The department may designate a juvenile correctional facility~~,~~ or a residential care center for children and youth~~, or a secured residential care center for children and youth~~ contracted for under this subdivision as a Type 2 juvenile correctional facility, as defined in s. 938.02 (20), and may designate a residential care center for children and youth ~~or secured residential care center for children and youth~~ contracted for under this subdivision as a Type 2 residential care center for children and youth, as defined in s. 938.02 (19r).

SECTION 40. 301.16 (1f) of the statutes is created to read:

301.16 **(1f)** In addition to the institutions under sub. (1), the department may establish and operate an adult correctional institution in the town of Birch, Lincoln County, at the location that was the Lincoln Hills School and Copper Lake School.

SECTION 41. 301.16 (1w) of the statutes is created to read:

301.16 **(1w)** The department shall establish one or more Type 1 juvenile correctional facilities, as enumerated in 2017 Wisconsin Act .... (this act), section 110 (10) (a).

SECTION 42. 301.16 (1x) of the statutes is amended to read:

301.16 **(1x)** Inmates from the Wisconsin state prisons may be transferred to the institutions under this section ~~and they~~, except that inmates may not be transferred to a Type 1 juvenile correctional facility established under sub. (1w) unless required under s. 973.013 (3m). Inmates transferred under this subsection shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates shall not be received on direct commitment from the courts.

SECTION 43. 301.18 (1) (fm) of the statutes is created to read:

301.18 **(1)** (fm) Provide the facilities necessary for each Type 1 juvenile correctional facility established under s. 301.16 (1w).

SECTION 44. 301.20 of the statutes is repealed.

SECTION 45. 301.37 (1) of the statutes is amended to read:

301.37 **(1)** The department shall fix reasonable standards and regulations for the design, construction, repair, and maintenance of all houses of correction, reforestation camps maintained under s. 303.07, jails, as defined in s. 302.30, extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8), lockup facilities, as defined in s. 302.30, work camps under s. 303.10, Huber facilities under s. 303.09, and, after consulting with the department of children and families, all juvenile detention facilities and secured residential care centers for children and youth, with respect to their adequacy and fitness for the needs which they are to serve.

SECTION 46. 301.37 (1m) of the statutes is created to read:

301.37 **(1m)** Subject to the rules promulgated by the department under sub. (1), a secured residential care center for children and youth may be located in a portion of a juvenile detention facility or a Type 1 juvenile correctional facility. A secured residential care center for children and youth that is located in a portion of a juvenile detention facility or a Type 1 juvenile correctional facility shall provide programming and services as required by the department under s. 938.48 (16) (b).

SECTION 47. 301.373 of the statutes is created to read:

301.373 Operating loss reimbursement program. The department shall reimburse a county that operates a secured residential care center for children and youth that holds only female juveniles in secure custody and that was established using funding from the grant program under 2017 Wisconsin Act .... (this act), section 110 (4) for any annual net operating loss. A county seeking reimbursement under this section shall submit its request and supporting financial statements for the prior fiscal year to the department and the legislative audit bureau in a format prescribed by the department. The department shall reimburse the county for the amount of the net operating loss, as determined by the legislative audit bureau under s. 13.94 (1) (v), from the appropriation under s. 20.410 (3) (f). The department may pay for the cost of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the appropriation under s. 20.410 (3) (f).

SECTION 48. 302.01 (13) of the statutes is created to read:

302.01 **(13)** The adult correctional institution established under s. 301.16 (1f) is named "Lincoln County Correctional Institution."

SECTION 49. 938.02 (4) of the statutes is amended to read:

938.02 **(4)** "Department" means the department of children and families, except that with respect to a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4), "department" means the department of corrections.

SECTION 50. 938.02 (4) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.02 **(4)** "Department" means the department of children and families~~,~~ except that with respect to a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 ~~(2),~~ (4h), ~~(4m),~~ (4n), or (7g), or 938.357 (3) or (4), "department" means the department of corrections.

SECTION 51. 938.02 (15g) of the statutes is amended to read:

938.02 **(15g)** "Secured residential care center for children and youth" means a ~~residential care center for children and youth~~ facility operated by an Indian tribe or a county under ss. 46.20, 59.53 (8m), 301.26, 301.27, and 938.22 (1) (a) or by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in secure custody persons adjudged delinquent.

SECTION 52. 938.22 (1) (a) of the statutes is amended to read:

938.22 **(1)** (a) ~~Subject to s. 48.66 (1) (b), the~~ The county board of supervisors of a county may establish a juvenile detention facility or secured residential care center for children and youth in accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or more counties may jointly establish a juvenile detention facility or secured residential care center for children and youth in accordance with ss. 46.20, 59.53 (8m), 301.36, and 301.37. An Indian tribe may establish a secured residential care center for children and youth in accordance with ss. 301.36 and 301.37. The county board of supervisors of a county may establish a shelter care facility in accordance with ss. 48.576 and 48.578 or the county boards of supervisors for 2 or more counties may jointly establish a shelter care facility in accordance with ss. 46.20, 48.576, and 48.578. A private entity may establish a juvenile detention facility in accordance with ss. 301.36 and 301.37 and contract with one or more county boards of supervisors under s. 938.222 to hold juveniles in the private juvenile detention facility. Subject to ss. 48.66 (1) (b), 301.36, and 301.37, a child welfare agency may establish a secured residential care center for children and youth and contract with one or more county boards of supervisors to hold juveniles in the secured residential care center for children and youth.

SECTION 53. 938.22 (2) (a) of the statutes is amended to read:

938.22 **(2)** (a) Counties shall submit plans for a juvenile detention facility, secured residential care center for children and youth, or juvenile portion of the county jail to the department of corrections and submit plans for a shelter care facility to the department of children and families. A private entity that proposes to establish a juvenile detention facility or an Indian tribe or a child welfare agency that proposes to establish a secured residential care center for children and youth shall submit plans for the facility to the department of corrections.

The applicable department shall review the submitted plans. A county ~~or a~~, Indian tribe, private entity, or child welfare agency may not implement a plan unless the applicable department has approved the plan. The department of corrections shall promulgate rules establishing minimum requirements for the approval and operation of juvenile detention facilities, secured residential care centers for children and youth, and the juvenile portion of county jails. The plans and rules shall be designed to protect the health, safety, and welfare of the juveniles placed in those facilities.

SECTION 54. 938.22 (2) (d) of the statutes is created to read:

938.22 **(2)** (d) 1. Except as provided in subd. 2., a juvenile detention facility is authorized to accept juveniles for placement for more than 30 consecutive days under s. 938.34 (3) (f) 1. if all of the following apply:

a. The juvenile detention facility is operated by a county, the county board of supervisors of which has adopted a resolution under section 938.34 (3) (f) 3., prior to January 1, 2018, authorizing placement of juveniles at the juvenile detention facility under section 938.34 (3) (f) for more than 30 consecutive days.

b. The county that operates the juvenile detention facility is not awarded a grant under 2017 Wisconsin Act .... (this act), section 110 (4).

2. After January 1, 2021, the number of juveniles that may be housed at a juvenile detention facility under subd. 1. is limited to the number that are housed at the juvenile detention facility on January 1, 2021, and the juvenile detention facility may not be altered or added to or repaired in excess of 50 percent of its assessed value. If a juvenile detention facility violates this subdivision, it is no longer authorized to accept juveniles for placement for more than 30 consecutive days.

SECTION 55. 938.225 of the statutes is amended to read:

938.225 Statewide plan for juvenile detention and correctional facilities. The department of corrections shall assist counties in establishing juvenile detention facilities and secured residential care centers for children and youth under s. 938.22 by developing and promulgating a statewide plan for the establishment and maintenance of suitable juvenile detention facilities reasonably accessible to each court and secured residential care centers for children and youth reasonably accessible to each county.

SECTION 56. 938.34 (2) (a) of the statutes is amended to read:

938.34 **(2)** (a) Place the juvenile under the supervision of an agency, the county department, the department of corrections, if that department approves, or a suitable adult, including a friend of the juvenile, under conditions prescribed by the court, including reasonable rules for the juvenile's conduct, designed for the physical, mental, and moral well–being and behavior of the juvenile.

SECTION 57. 938.34 (2) (a) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.34 **(2)** (a) Place the juvenile under the supervision of an agency, the county department, ~~the department of corrections, if that department approves,~~ or a suitable adult, including a friend of the juvenile, under conditions prescribed by the court, including reasonable rules for the juvenile's conduct, designed for the physical, mental, and moral well–being and behavior of the juvenile.

SECTION 58. 938.34 (2) (b) of the statutes is amended to read:

938.34 **(2)** (b) If the juvenile is placed in the juvenile's home under the supervision of an agency, the county department, or the department of corrections, order that agency or department to provide specified services to the juvenile and the juvenile's family, including individual, family, or group counseling, homemaker or parent aide services, respite care, housing assistance, child care, or parent skills training.

SECTION 59. 938.34 (2) (b) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.34 **(2)** (b) If the juvenile is placed in the juvenile's home under the supervision of an agency, or the county department, ~~or the department of corrections,~~ order that agency or department to provide specified services to the juvenile and the juvenile's family, including individual, family, or group counseling, homemaker or parent aide services, respite care, housing assistance, child care, or parent skills training.

SECTION 60. 938.34 (3) (f) 1. of the statutes is amended to read:

938.34 **(3)** (f) 1. The placement may be for any combination of single or consecutive days totalling not more than 365 in a juvenile detention facility under s. 938.22 (2) (d) 1. and may be for no more than 30 consecutive days in any other juvenile detention facility, including any placement under pars. (a) to (e). The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this paragraph for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed.

SECTION 61. 938.34 (4m) (intro.) of the statutes is amended to read:

938.34 **(4m)** CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the county department or the department of corrections if all of the following apply:

SECTION 62. 938.34 (4m) (intro.) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.34 **(4m)** CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a ~~juvenile correctional facility or a~~ secured residential care center for children and youth

under the supervision of the county department ~~or the department of corrections~~ if all of the following apply:

SECTION 63. 938.34 (4n) (intro.) of the statutes is amended to read:

938.34 **(4n)** COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION. (intro.) In the case of a juvenile who has received a correctional placement under sub. (4m), designate the county department to provide aftercare supervision for the juvenile following the juvenile's release from a secured residential care center for children and youth or Type 1 juvenile correctional facility. In the case of a juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections, designate the department of corrections to provide community supervision for the juvenile following the juvenile's release from that facility or center or, subject to any arrangement between the department of corrections and a county department regarding the provision of aftercare supervision for juveniles who have been released from a juvenile correctional facility or a secured residential care center for children and youth, designate one of the following to provide aftercare supervision for the juvenile following the juvenile's release from that facility or center:

SECTION 64. 938.357 (1) (am) 1. of the statutes is amended to read:

938.357 **(1)** (am) 1. Except as provided in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel may request a change in placement under this subsection by causing written notice of the proposed change in placement to be sent to the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian of the juvenile, and any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile. If the request is for a change in placement under sub. (3), notice shall be sent to the entity that operates the secured residential care center for children and youth or Type 1 juvenile correctional facility where placement is proposed. If the juvenile is an Indian juvenile who has been removed from the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), written notice shall also be sent to the Indian juvenile's Indian custodian and tribe. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan or permanency plan ordered by the court. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

SECTION 65. 938.357 (3) of the statutes is renumbered 938.357 (3) (a) and amended to read:

938.357 **(3)** (a) Subject to subs. (4) (b) ~~and~~, (c), and (d), and (5) (e), if the proposed change in placement would involve placing a juvenile in a juvenile correctional facility or a secured residential care center for children and youth, notice shall be given as provided in sub. (1) (am) 1. A hearing shall be held, unless waived by the juvenile, parent, guardian, and legal custodian, before the court makes a decision on the request. The juvenile is entitled to counsel at the hearing, and any party opposing or favoring the proposed new placement may present relevant evidence and cross–examine witnesses. The department of corrections shall have the opportunity to object to a change of placement of a juvenile from a secured residential care center for children and youth to a Type 1 juvenile correctional facility under par. (b). The proposed new placement may be approved only if the court finds, on the record, that the conditions set forth in s. 938.34 (4m) (a) and (b) have been met.

SECTION 66. 938.357 (3) (b), (c) and (d) of the statutes are created to read:

938.357 **(3)** (b) Notwithstanding s. 938.34 (4m) and subject to par. (c), the court may order placement in a Type 1 juvenile correctional facility under supervision of the department of corrections for a juvenile who was adjudicated delinquent under s. 938.34 (4m) if the court finds, after a hearing under this section, that any of the following apply:

1. The juvenile is placed at a secured residential care center for children and youth and all of the following apply:

a. The secured residential care center for children and youth where the juvenile is placed is not able to meet the juvenile's treatment needs.

b. The programming available at the proposed Type 1 juvenile correctional facility as of the date of the hearing is able to meet the treatment needs of the juvenile.

c. No other secured residential care center for children and youth is willing and able to meet the juvenile's treatment needs.

2. The county department does not have space for the juvenile in its secured residential care center for children and youth and no other secured residential care center for children and youth is willing and able to meet the juvenile's treatment needs.

(c) Upon the recommendation of the department of health services, the court may order the placement of a juvenile under par. (b) at the Mendota juvenile treatment center.

(d) A juvenile who is placed in a Type 1 juvenile correctional facility under par. (b) or (c) is the financial responsibility of the county department of the county where the juvenile was adjudicated delinquent and that county department shall reimburse the department of corrections at the rate specified under s. 301.26 (4) (d) 2. or 3., whichever is applicable, for the cost of the juve–

nile's care while placed in a Type 1 juvenile correctional facility.

SECTION 67. 938.357 (4) (title) of the statutes is repealed and recreated to read:

938.357 **(4)** (title) CHANGE IN PLACEMENT WITHOUT A HEARING.

SECTION 68. 938.357 (4) (a) of the statutes is renumbered 938.357 (4) (am) and amended to read:

938.357 **(4)** (am) When the juvenile is placed with the department of corrections, that department may, after an examination under s. 938.50, place the juvenile in a juvenile correctional facility or, with the consent of the operating entity, a secured residential care center for children and youth or on community supervision or aftercare supervision, either immediately or after a period of placement in a juvenile correctional facility or a secured residential care center for children and youth. The department of corrections shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If the department of corrections places a juvenile in a Type 2 juvenile correctional facility operated by a child welfare agency, that department shall reimburse the child welfare agency at the rate established under s. 49.343 that is applicable to the type of placement that the child welfare agency is providing for the juvenile. If the department of corrections places a juvenile in a secured residential care center for children and youth under this paragraph, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.08. A juvenile who is placed in a Type 2 juvenile correctional facility or a secured residential care center for children and youth under this paragraph remains under the supervision of the department of corrections, remains subject to the rules and discipline of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

SECTION 69. 938.357 (4) (ab) of the statutes is created to read:

938.357 **(4)** (ab) In this subsection, "operating entity" means the county department, the Indian tribe, or the child welfare agency, whichever entity operates a secured residential care center for children and youth.

SECTION 70. 938.357 (4) (am) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.357 **(4)** (am) When the juvenile is placed with the department of corrections, that department may, after an examination under s. 938.50, place the juvenile in a juvenile correctional facility or, with the consent of the operating entity, a secured residential care center for children and youth or on community supervision ~~or aftercare supervision~~, either immediately or after a period of placement in a juvenile correctional facility or a secured residential care center for children and youth. The department of corrections shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If the department of corrections places a juvenile in a Type 2 juvenile correctional facility operated by a child welfare agency, that department shall reimburse the child welfare agency at the rate established under s. 49.343 that is applicable to the type of placement that the child welfare agency is providing for the juvenile. If the department of corrections places a juvenile in a secured residential care center for children and youth under this paragraph, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.08. A juvenile who is placed in a Type 2 juvenile correctional facility or a secured residential care center for children and youth under this paragraph remains under the supervision of the department of corrections, remains subject to the rules and discipline of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

SECTION 71. 938.357 (4) (b) 1. of the statutes is amended to read:

938.357 **(4)** (b) 1. If a juvenile whom the department of corrections has placed in a Type 2 juvenile correctional facility operated by a child welfare agency violates a condition of his or her placement in the Type 2 juvenile correctional facility, the child welfare agency operating the Type 2 juvenile correctional facility shall notify the department of corrections and that department, after consulting with the child welfare agency, may place the juvenile in a Type 1 juvenile correctional facility or, with the consent of the operating entity, a secured residential care center for children and youth, a under the supervision of the department, without a hearing under sub. (1) (am) 2.

SECTION 72. 938.357 (4) (b) 2. of the statutes is amended to read:

938.357 **(4)** (b) 2. If a juvenile whom the court has placed in a Type 2 residential care center for children and youth under s. 938.34 (4d) violates a condition of his or her placement in the Type 2 residential care center for children and youth, the child welfare agency operating the Type 2 residential care center for children and youth shall notify the county department that has supervision over the juvenile ~~and, if the county department agrees to a change in placement under this subdivision, the child welfare agency shall notify the department of corrections, and that~~. The county department, after consulting with the child welfare agency, may place the juvenile in a ~~Type 1 juvenile correctional facility under the supervision of the department of corrections~~ secured residential care center for children and youth, without a hearing under sub. (1) (am) 2., for not more than 10 days. ~~If a juvenile is placed in a Type 1 juvenile correctional facility under this subdivision, the county department that has supervision over the juvenile shall reimburse the child welfare agency operating the Type 2 residential care center for children and youth in which the juvenile was~~

~~placed at the rate established under s. 49.343, and that child welfare agency shall reimburse the department of corrections at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is applicable, for the cost of the juvenile's care while placed in a Type 1 juvenile correctional facility.~~

SECTION 73. 938.357 (4) (b) 4. of the statutes is amended to read:

938.357 **(4)** (b) 4. A juvenile may seek review of a decision of the department of corrections or the county department under subd. 1. or 2. only by the common law writ of certiorari.

SECTION 74. 938.357 (4) (c) 1. of the statutes is amended to read:

938.357 **(4)** (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility operated by a child welfare agency under par. ~~(a)~~ (am) and it appears that a less restrictive placement would be appropriate for the juvenile, the department of corrections, after consulting with the child welfare agency that is operating the Type 2 juvenile correctional facility, may place the juvenile in a less restrictive placement, and may return the juvenile to the Type 2 juvenile correctional facility without a hearing under sub. (1) (am) 2. The rate for each type of placement shall be established by the department of children and families, in consultation with the department of corrections, in the manner provided in s. 49.343.

SECTION 75. 938.357 (4) (d) of the statutes is created to read:

938.357 **(4)** (d) 1. If a juvenile under the supervision of the department of corrections is placed in a secured residential care center for children and youth and that secured residential care center for children and youth is unable to meet the treatment needs of the juvenile, the operating entity shall notify the department of corrections and the department of corrections, after consulting with the operating entity, may place the juvenile in a secured residential care center for children and youth that is able to meet the treatment needs of the juvenile without a hearing under sub. (1) (am) 2. if the receiving operating entity agrees. The department of corrections shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If the department of corrections places a juvenile in a secured residential care center for children and youth under this subdivision, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.08. A juvenile who is placed in a secured residential care center for children and youth under this subdivision remains under the supervision of the department of corrections, remains subject to the rules and discipline of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

2. If a juvenile under the supervision of a county department is placed in a secured residential care center for children and youth and that secured residential care center for children and youth is unable to meet the treatment needs of the juvenile, the supervising county department, after consulting with the operating entity, may transfer the juvenile to a different secured residential care center for children and youth that is able to meet the treatment needs of the juvenile and offers more appropriate care and services without a hearing under sub. (1) (am) 2. if the receiving operating entity agrees. The supervising county department shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If a county department places a juvenile in a secured residential care center for children and youth under this subdivision, the county department shall contract with the operating entity for the care and services provided. If a county department places a juvenile in a secured residential care center for children and youth under this subdivision, the juvenile remains under the supervision of the placing county department, remains subject to the rules and discipline of that county department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

3. A juvenile may seek review of a decision by the department of corrections or county department under subd. 1. or 2. only by the common law writ of certiorari.

SECTION 76. 938.357 (4m) of the statutes is amended to read:

938.357 **(4m)** RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION. The department of corrections shall try to release a juvenile to community supervision ~~or~~ and the county department with supervision of a juvenile shall try to release the juvenile to aftercare supervision under sub. (4) within 30 days after the date on which ~~that~~ the department of corrections or county department determines the juvenile is eligible for the release.

SECTION 77. 938.48 (3) of the statutes is amended to read:

938.48 **(3)** SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over juveniles transferred to it by the court under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4), and provide special treatment or care to juveniles when directed by the court. Except as provided in s. 938.505 (2), a court may not direct the department to administer psychotropic medications to juveniles who receive special treatment or care under this subsection.

SECTION 78. 938.48 (3) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.48 **(3)** SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over juveniles transferred to it by the court under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n), or 938.357 (3) or (4), and provide special treatment or care to juveniles when directed by the court. Except as provided in s. 938.505 (2), a court may not direct the

department to administer psychotropic medications to juveniles who receive special treatment or care under this subsection.

SECTION 79. 938.48 (4) of the statutes is amended to read:

938.48 **(4)** CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4), including serving those juveniles in their own homes, placing them in licensed foster homes or licensed group homes under s. 48.63 or in independent living situations as provided in s. 938.34 (3) (e), contracting for their care by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the department may not purchase the educational component of private day treatment programs for a juvenile in its custody unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available for the juvenile. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 80. 938.48 (4) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.48 **(4)** CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for juveniles under its supervision under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n), or 938.357 (3) or (4), including serving those juveniles in their own homes, placing them in licensed foster homes or licensed group homes under s. 48.63 or in independent living situations as provided in s. 938.34 (3) (e), contracting for their care by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the department may not purchase the educational component of private day treatment programs for a juvenile in its custody unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available for the juvenile. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 81. 938.48 (4m) (b) of the statutes is amended to read:

938.48 **(4m)** (b) Was under the supervision of the department under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (3) or (4) when the person reached 17 years of age.

SECTION 82. 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.48 **(4m)** (b) Was under the supervision of the department under s. 938.183, 938.34 (4h)~~, (4m)~~ or (4n) or 938.357 (3) or (4) when the person reached 17 years of age.

SECTION 83. 938.48 (5) of the statutes is amended to read:

938.48 **(5)** MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious training of a juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) according to the religious beliefs of the juvenile or of the juvenile's parents.

SECTION 84. 938.48 (5) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.48 **(5)** MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious training of a juvenile under its supervision under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n), or 938.357 (3) or (4) according to the religious beliefs of the juvenile or of the juvenile's parents.

SECTION 85. 938.48 (6) of the statutes is amended to read:

938.48 **(6)** EMERGENCY SURGERY. Consent to emergency surgery under the direction of a licensed physician or surgeon for any juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) upon notification by a licensed physician or surgeon of the need for the surgery and if reasonable effort, compatible with the nature and time limitation of the emergency, has been made to secure the consent of the juvenile's parent or guardian.

SECTION 86. 938.48 (6) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.48 **(6)** EMERGENCY SURGERY. Consent to emergency surgery under the direction of a licensed physician or surgeon for any juvenile under its supervision under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n), or 938.357 (3) or (4) upon notification by a licensed physician or surgeon of the need for the surgery and if reasonable effort, compatible with the nature and time limitation of the emergency, has been made to secure the consent of the juvenile's parent or guardian.

SECTION 87. 938.48 (14) of the statutes is amended to read:

938.48 **(14)** SCHOOL–RELATED EXPENSES FOR JUVENILES OVER 17. Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they attained 17 years of age, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon attaining that age were under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) as a result of a judicial decision.

SECTION 88. 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.48 **(14)** SCHOOL–RELATED EXPENSES FOR JUVENILES OVER 17. Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they attained 17 years of age, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon attaining that age were under the supervision of the department under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n), or 938.357 (3) or (4) as a result of a judicial decision.

SECTION 89. 938.48 (16) of the statutes is renumbered 938.48 (16) (a).

SECTION 90. 938.48 (16) (b) of the statutes is created to read:

938.48 **(16)** (b) Promulgate rules governing services and programming for juveniles in a secured residential care center for children and youth. The department shall include uniform data reporting standards for counties or Indian tribes that operate or contract with a child welfare agency for a secured residential care center for children and youth in rules promulgated under this paragraph. The department shall base the rules it promulgates under this paragraph on the recommendations provided by the juvenile corrections study committee under 2017 Wisconsin Act .... (this act), section 110 (6) (c) 1.

SECTION 91. 938.49 (title) of the statutes is amended to read:

938.49 (title) **Notification by court of placement with a county department or the department of corrections; transfer of reports and records.**

SECTION 92. 938.49 (1) of the statutes is amended to read:

938.49 **(1)** NOTICE TO COUNTY DEPARTMENT OR DEPARTMENT OF CORRECTIONS OF PLACEMENT. When a court places a juvenile in a juvenile correctional facility under the supervision of a county department or the department of corrections or a secured residential care center for children and youth under the supervision of ~~the department of corrections~~ a county department, the court shall immediately notify ~~that~~ the county department or the department of corrections of that action. The court shall, in accordance with procedures established by the department of corrections, provide transportation for the juvenile to a receiving center designated by ~~that~~ the county department or the department of corrections or deliver the juvenile to personnel of ~~that~~ the county department or the department of corrections.

SECTION 93. 938.49 (2) (intro.) of the statutes is amended to read:

938.49 **(2)** TRANSFER OF COURT REPORT AND PUPIL RECORDS. (intro.) When a court places a juvenile in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections or a county department, the court and all other public agencies shall immediately do all of the following:

SECTION 94. 938.49 (2) (a) of the statutes is amended to read:

938.49 **(2)** (a) Transfer to the department of corrections or the county department a copy of the report submitted to the court under s. 938.33 or, if the report was presented orally, a transcript of the report and all other pertinent data in their possession.

SECTION 95. 938.505 (1) of the statutes is amended to read:

938.505 **(1)** RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY DEPARTMENT. When a juvenile is placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (3), (4), or (5) (e) or under the supervision of a county department under s. 938.34 (4m) or (4n), the department of corrections or county department, whichever has supervision over the juvenile, shall have the right and duty to protect, train, discipline, treat, and confine the juvenile and to provide food, shelter, legal services, education, and ordinary medical and dental care for the juvenile, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and the provisions of any court order.

SECTION 96. 938.505 (1) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.505 **(1)** RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY DEPARTMENT. When a juvenile is placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h)~~, (4m)~~ or (4n), or 938.357 (3), (4), or (5) (e) or under the supervision of a county department under s. 938.34 (4m) or (4n), the department of corrections or county department, whichever has supervision over the juvenile, shall have the right and duty to protect, train, discipline, treat, and confine the juvenile and to provide food, shelter, legal services, education, and ordinary medical and dental care for the juvenile, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and the provisions of any court order.

SECTION 97. 938.52 (2) (a) and (c) of the statutes are amended to read:

938.52 **(2)** (a) In addition to facilities and services under sub. (1), the department of corrections may use other facilities and services under its jurisdiction. The department of corrections may contract for and pay for the use of other public facilities or private facilities for the care and treatment of juveniles in its care. Placement of a juvenile in a private or public facility that is not under the jurisdiction of the department of corrections does not terminate that department's supervision over the juvenile under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357

(3) or (4). Placements in institutions for persons with a mental illness or development disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am) and ch. 51.

(c) The department of corrections may inspect any facility it is using and examine and consult with persons under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) who have been placed in the facility.

Section 98. 938.52 (2) (a) and (c) of the statutes, as affected by 2017 Wisconsin Act .... (this act), are amended to read:

938.52 **(2)** (a) In addition to facilities and services under sub. (1), the department of corrections may use other facilities and services under its jurisdiction. The department of corrections may contract for and pay for the use of other public facilities or private facilities for the care and treatment of juveniles in its care. Placement of a juvenile in a private or public facility that is not under the jurisdiction of the department of corrections does not terminate that department's supervision over the juvenile under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n), or 938.357 (3) or (4). Placements in institutions for persons with a mental illness or development disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am) and ch. 51.

(c) The department of corrections may inspect any facility it is using and examine and consult with persons under its supervision under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n), or 938.357 (3) or (4) who have been placed in the facility.

Section 99. 938.53 of the statutes is amended to read:

938.53 Duration of control of department of corrections over delinquents. Except as provided under s. 938.183, a juvenile adjudged delinquent who has been placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) shall be discharged as soon as that department determines that there is a reasonable probability that departmental supervision is no longer necessary for the rehabilitation and treatment of the juvenile or for the protection of the public.

Section 100. 938.53 of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.53 Duration of control of department of corrections over delinquents. Except as provided under s. 938.183, a juvenile adjudged delinquent who has been placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n), or 938.357 (3) or (4) shall be discharged as soon as that department determines that there is a reasonable probability that departmental supervision is no longer necessary for the rehabilitation and treatment of the juvenile or for the protection of the public.

Section 101. 938.535 of the statutes is amended to read:

938.535 Early release and intensive supervision program; limits. The department of corrections or a county department may establish a program for the early release and intensive supervision of juveniles who have been placed in a juvenile correctional facility or a secured residential care center for children and youth under s. 938.183 ~~or,~~ 938.34 (4m), or 938.357 (3). The program may not include any juveniles who have been placed in a juvenile correctional facility or a secured residential care center for children and youth as a result of a delinquent act involving the commission of a violent crime as defined in s. 969.035, but not including the crime specified in s. 948.02 (1).

Section 102. 938.539 (2) of the statutes is amended to read:

938.539 **(2)** Type 2 juvenile correctional facility; department of corrections control. A juvenile who is placed in a Type 2 juvenile correctional facility under s. 938.357 (4) ~~(a)~~ (am) or who, having been so placed, is replaced in a less restrictive placement under s. 938.357 (4) (c) is under the supervision and control of the department of corrections, is subject to the rules and discipline of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

Section 103. 938.539 (3) of the statutes is amended to read:

938.539 **(3)** Violation of condition of placement. Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a Type 2 residential care center for children and youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 juvenile correctional facility under s. 938.357 (4) ~~(a)~~ (am) or (c) violates a condition of his or her placement in the center or facility, the juvenile may be placed in a Type 1 juvenile correctional facility as provided in s. 938.357 (4) (b) 1. or in a secured residential care center for children and youth as provided in s. 938.357 (4) (b) 2. This subsection does not preclude a juvenile who has violated a condition of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth from being taken into and held in custody under ss. 938.19 to 938.21.

Section 104. 938.539 (4) of the statutes is amended to read:

938.539 **(4)** Escape or absence. A juvenile placed in a Type 2 residential care center for children and youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 juvenile correctional facility under s. 938.357 (4) ~~(a)~~ (am) or (c) who intentionally fails to remain within the extended limits of his or her placement or to return within the time prescribed by the administrator of the center or facility is considered an escape under s. 946.42 (3) (c).

Section 105. 938.539 (5) of the statutes is amended to read:

938.539 **(5)** OPERATION AS TYPE 2 PLACEMENT. With respect to a juvenile who is placed in a ~~secured~~ residential care center for children and youth under s. 938.34 (4d) or 938.357 (4) ~~(a)~~ (am) or in a less restrictive placement under s. 938.357 (4) (c), the child welfare agency operating the center in which the juvenile is placed, and the person operating any less restrictive placement in which the juvenile is placed, shall operate that center or less restrictive placement as a Type 2 residential care center for children and youth or a Type 2 juvenile correctional facility. This subsection does not preclude a child welfare agency or other person from placing in a residential care center for children and youth or less restrictive placement in which a juvenile is placed under s. 938.34 (4d) or 938.357 (4) ~~(a)~~ (am) or (c) a juvenile who is not placed under s. 938.34 (4d) or 938.357 (4) ~~(a)~~ (am) or (c).

SECTION 106. 938.54 of the statutes is amended to read:

938.54 Records. The department of corrections shall keep a complete record on each juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n) or 938.357 (3) or (4). This record shall include the information received from the court, the date of reception, all available data on the personal and family history of the juvenile, the results of all tests and examinations given the juvenile, and a complete history of all placements of the juvenile while under the supervision of the department of corrections.

SECTION 107. 938.54 of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.54 Records. The department of corrections shall keep a complete record on each juvenile under its supervision under s. 938.183, 938.34 (4h)~~, (4m),~~ or (4n) or 938.357 (3) or (4). This record shall include the information received from the court, the date of reception, all available data on the personal and family history of the juvenile, the results of all tests and examinations given the juvenile, and a complete history of all placements of the juvenile while under the supervision of the department of corrections.

SECTION 108. 938.59 (1) of the statutes is amended to read:

938.59 **(1)** INVESTIGATION AND EXAMINATION. The county department shall investigate the personal and family history and environment of any juvenile transferred to its legal custody or placed under its supervision under s. 938.34 (2), (4d), (4m), or (4n) and make any physical or mental examinations of the juvenile considered necessary to determine the type of care necessary for the juvenile. The county department shall screen a juvenile who is examined to determine whether the juvenile is in need of special treatment or care because of alcohol or other drug abuse, mental illness, or severe emotional disturbance. The county department shall keep a complete record of the information received from the court, the date of reception, all available data on the personal and family history of the juvenile, the results of all tests and examinations given the juvenile, and a complete history of all placements of the juvenile while in the legal custody or under the supervision of the county department.

SECTION 109. 938.595 of the statutes is amended to read:

938.595 Duration of control of county departments over delinquents. A juvenile who has been adjudged delinquent and placed under the supervision of a county department under s. 938.34 (2), (4d), (4m), or (4n) shall be discharged as soon as the county department determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the juvenile or for the protection of the public that the county department retain supervision.

SECTION 110. Nonstatutory provisions.

(1) TRANSFER OF JUVENILES.

(a) Upon the establishment of the Type 1 juvenile correctional facilities under subsection (7) and the secured residential care centers for children and youth under subsections (4) and (7m), the department of corrections shall begin to transfer each juvenile held in secure custody at the Lincoln Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional facility or secured residential care center for children and youth. No juvenile may be transferred to a Type 1 juvenile correctional facility until the department of corrections determines the facility to be ready to accept juveniles, and no juvenile may be transferred to a secured residential care center for children and youth until the entity operating the facility determines it to be ready to accept juveniles. The transfers may occur in phases. The department shall transfer all juveniles under this subsection no later than January 1, 2021.

(b) On the date on which a juvenile who was under the supervision of the department of corrections under section 938.34 (2) or (4m) of the statutes is transferred to a secured residential care center for children and youth under paragraph (a), the juvenile is under the supervision of the county department of the county of the court that adjudicated the juvenile delinquent under section 938.34 (2) or (4m) of the statutes.

(2) CLOSURE AND CONVERSION OF FACILITIES.

(a) On the earlier of the date on which all juveniles have been transferred to secured residential care centers for children and youth and Type 1 juvenile correctional facilities under subsection (1) or January 1, 2021, the department of corrections shall permanently close the Type 1 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake School in the town of Birch, Lincoln County.

(b) The department of corrections shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register that states the date on which the facilities under paragraph (a) are closed.

(3) JUVENILE CORRECTIONS GRANT COMMITTEE.

(a) *Committee; members.* There is created in the department of corrections a juvenile corrections grant committee consisting of the following members:

1. The governor, or his or her designee.

2. The secretary of corrections, or his or her designee.

3. The secretary of children and families, or his or her designee.

4. Three senators appointed by the senate majority leader or the appointed senator's designee.

5. Three representatives to the assembly appointed by the speaker of the assembly or that appointed representative's designee.

6. One representative of a nonprofit that focuses on best practices for holding juveniles in secure custody, appointed by the governor.

(b) *Duties.* The juvenile corrections grant committee shall establish and administer the juvenile corrections grant program under subsection (4).

(c) *Termination.* The juvenile corrections grant committee terminates on the earlier of the date on which all projects funded with grants under subsection (4) are completed or January 1, 2021.

(4) JUVENILE CORRECTIONS GRANT PROGRAM.

(a) *Grants.*

1. There is created a juvenile corrections grant program, administered by the juvenile corrections grant committee and the department of corrections. Under the juvenile corrections grant program, a county may apply for any of the following:

a. A grant to pay 95 percent of the costs of designing and constructing a secured residential care center for children and youth.

b. A grant to pay 95 percent of the costs of designing and constructing a facility that houses both a secured residential care center for children and youth and a juvenile detention facility.

c. A grant to pay 100 percent of the costs of designing and constructing a secured residential care center for children and youth only for female juveniles or any portion that is only for female juveniles.

2. Construction costs that are eligible to be paid by a grant under this subsection include costs of renovating an existing structure.

3. A grant awarded under this subsection shall reimburse 95 percent of any design costs incurred by a successful applicant in preparing the grant application, or 100 percent of any design costs incurred by a successful applicant in preparing the grant application with respect to a facility or portion of a facility for female juveniles.

(b) *Multicounty coordination.* Multiple counties may coordinate to submit one grant application for construction or establishment of a secured residential care center for children and youth that will hold juveniles from all of the cooperating counties.

(c) *Requirements.* The juvenile corrections grant committee shall establish requirements, guidelines, and criteria for the grant proposals and for awarding the grants. The committee shall require that, in developing a grant application, the county or counties consider best practices in designing and operating facilities that hold juveniles in secure custody and the feasibility of developing an existing facility into the secured residential care center for children and youth, and solicit input on the design of the secured residential care center for children and youth from judges at the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes for that county or, for multicounty grant applications under paragraph (b), at the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes for each county. The juvenile corrections grant committee shall favor proposals that utilize existing facilities that consider proximity to the populations of juveniles the facility would serve and shall encourage multicounty coordination by favoring applications under paragraph (b).

(d) *Deadline.* Grant applications are due no later than March 31, 2019. Between that date and June 30, 2019, the juvenile corrections grant committee may work with applicants to modify their applications in order to increase the likelihood of being awarded a grant.

(e) *Wisconsin model of juvenile justice; statewide plan.* The juvenile corrections grant committee shall develop a statewide plan that recommends which grant applications to approve, based on an overall view toward a Wisconsin model of juvenile justice. The committee shall consult with the departments of corrections and children and families on the statewide plan and may not recommend approval of an application unless the department of corrections approves the plans and specifications for the site and the design and construction of the proposed secured residential care center for children and youth under section 301.37 of the statutes.

(f) *Plan approval.* No later than July 1, 2019, the juvenile corrections grant committee shall submit the plan under paragraph (e) for approval to the joint committee on finance. The juvenile corrections grant committee and the department of corrections may not implement the plan until it is approved by the joint committee on finance, as submitted or as modified.

(g) *Grant issuance.* In implementing the plan under paragraph (e), the department of corrections shall award the grants under the plan and the juvenile corrections grant committee shall monitor the progress of the projects funded by the grants to ensure compliance with the grant program and completion in time to transfer juveniles as provided under subsection (1).

(5) EMERGENCY RULE MAKING.

(a) Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate emergency rules under sections 301.37 (1) and 938.22 (2)

(a) of the statutes as needed to establish standards for the approval, design, construction, repair, maintenance, and operation of secured residential care centers for children and youth. Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate emergency rules under section 938.48 (16) (b) of the statutes as needed to establish standards for services, programming, and uniform data reporting requirements for counties or Indian tribes that operate or contract with a child welfare agency to operate a secured residential care center for children and youth. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect for 2 years after the date they become effective, or until the date on which permanent rules take effect, whichever is sooner, and the effective period may not be further extended under section 227.24 (2) of the statutes.

(b) The department of corrections shall present the statement of scope of the rules required under paragraph (a) to the department of administration for gubernatorial approval under section 227.135 (2) of the statutes no later than than August 24, 2018. Notwithstanding section 227.24 (1) (e) 1d. of the statutes, if the governor does not disapprove the statement of scope of the rules under this paragraph by the 7th day after the department presents the statement to the governor, the statement is considered approved by the governor.

(c) The department of corrections shall submit to the governor the rules required under paragraph (a) in final draft form no later than December 17, 2018. Notwithstanding section 227.24 (1) (e) 1g. of the statutes, if the governor does not reject the rules under this paragraph by the 14th day after the rules are submitted to the governor in final draft form, the rules are considered to be approved by the governor.

(6) JUVENILE CORRECTIONS STUDY COMMITTEE.

(a) *Committee; members.* There is created in the department of corrections a juvenile corrections study committee consisting of all of the following members:

1. The secretary of corrections, or his or her designee, who shall serve as cochairperson.

2. The secretary of children and families, or his or her designee, who shall serve as cochairperson.

3. The secretary of health services, or his or her designee.

4. The superintendent of public instruction, or his or her designee.

5. The state public defender, or his or her designee.

6. Three representatives to the assembly appointed by the speaker of the assembly or the appointed representative's designee.

7. Three senators appointed by the senate majority leader or the appointed senator's designee.

8. Two circuit court judges, appointed by the governor.

9. Two district attorneys, appointed by the governor.

10. Two representatives of law enforcement agencies in this state, appointed by the governor.

10m. One sheriff, or his or her designee, appointed by the governor.

11. One representative of a national organization that focuses on eliminating race–based discrimination, appointed by the governor.

12. One representative of a nonprofit that focuses on issues relating to juvenile justice, appointed by the governor.

13. One representative of a nonprofit organization that focuses on best practices for holding juveniles in secure custody, appointed by the governor.

14. One representative of the county department of social services or human services in the county with the highest percentage of juveniles under the supervision of either the department of corrections or a county department under chapter 938 of the statutes, appointed by the governor.

15. One representative of a county department of social services or human services of a county that operates a regional juvenile detention facility that is also an eligible juvenile detention facility, as defined under subsection (7m) (a), appointed by the governor.

16. One representative of a county department of social services or human services of a county not described in subdivision 14. or 15., appointed by the governor.

17. One resident of the state who either has been under the supervision of the department of corrections under chapter 938 of the statutes or has had a close family member who has been under the supervision of the department of corrections under chapter 938 of the statutes, appointed by the governor.

(b) *Staff.* The state agencies with membership on the committee shall provide adequate staff to conduct the functions of the committee.

(c) *Duties.*

1. The juvenile corrections study committee shall research and develop recommendations for rules governing the services and programming provided to juveniles in secured residential care centers for children and youth. The committee shall submit to the department of corrections its findings and recommendations no later than September 1, 2018.

2. The juvenile corrections study committee shall study and develop recommendations for the location of

Type 1 juvenile correctional facilities under section 301.16 (1w) (a) of the statutes based on space and security needs, cost, proximity to the populations of juveniles the facilities would serve, and best practices for holding juveniles in secure custody. In developing these recommendations, the committee shall conduct an inventory of existing state−owned facilities that have the capacity be used as Type 1 juvenile correctional facilities and shall favor the use of existing facilities. The committee shall submit to the department of corrections its recommendations for these facilities no later than November 1, 2018.

(d) *Consultation.* The juvenile corrections study committee shall consult with one or more organizations that focus on developing best practices for holding juveniles in secure custody to aid the committee's research and development of recommendations under paragraph (c).

(e) *Termination.* The juvenile corrections study committee terminates on January 1, 2021.

(7) TYPE 1 JUVENILE CORRECTIONAL FACILITIES. The department of corrections shall establish or construct the Type 1 juvenile correctional facilities under section 301.16 (1w) (a) of the statutes no later than January 1, 2021, subject to the approval of the joint committee on finance. The department shall consider the recommendations of the juvenile corrections study committee under subsection (6) (c) 2. in establishing or constructing these facilities.

(7g) MENDOTA JUVENILE TREATMENT CENTER. The department of health services shall construct an expansion of the Mendota juvenile treatment center to accommodate no fewer than 29 additional juveniles, subject to the approval of the joint committee on finance.

(7m) CERTAIN JUVENILE DETENTION FACILITIES.

(a) In this subsection, an "eligible juvenile detention facility" is a juvenile detention facility operated by a county board of supervisors that has adopted a resolution under section 938.34 (3) (f) 3. of the statutes, prior to January 1, 2018, authorizing placement of a juvenile at the juvenile detention facility under section 938.34 (3) (f) of the statutes for more than 30 consecutive days and that is not a juvenile detention facility described under section 938.22 (2) (d) 1. of the statutes.

(b) 1. Notwithstanding section 938.22 (1) and (2) of the statutes, except as provided in subdivision 2., on January 1, 2021, the portion of an eligible juvenile detention facility that holds juveniles who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is a secured residential care center for children and youth and juveniles may be placed there under section 938.34 (4m) of the statutes.

2. Notwithstanding subdivision 1., on January 1, 2021, the portion of an eligible juvenile detention facility that holds juveniles who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is, with respect to a juvenile placed under section 938.34 (3) (f) of the statutes prior to January 1, 2021, a juvenile detention facility.

(8) EMPLOYEES OF LINCOLN HILLS SCHOOL AND COPPER LAKE SCHOOL.

(a) *Type 1 juvenile correctional facility.* A classified employee who, on the date the department of corrections begins accepting applications for a position at a Type 1 juvenile correctional facility established under subsection (7), is employed at the Lincoln Hills School or Copper Lake School may apply to the department of corrections to transfer to a position at the Type 1 juvenile correctional facility. Notwithstanding section 230.29 of the statutes, the department of corrections may transfer a classified employee who applies for a transfer under this paragraph to any of the following positions without competitive procedures:

1. A position assigned to a class having the same or counterpart pay rate or pay range as a class to which any of the employee's current positions at Lincoln Hills School or Copper Lake School is assigned.

2. A position in a class having a lower pay rate or pay range maximum for which the person is qualified to perform the work after the customary orientation provided to newly hired workers in the position.

(b) *Secured residential care center for children and youth established by a county.* An applicant for a position at a secured residential care center for children and youth operated by a county who is employed at Lincoln Hills School or Copper Lake School on the date that the county begins accepting applications for the position may be selected by the county without regard to the requirements of any civil service system under section 59.52 (8) of the statutes or subchapter I of chapter 63 of the statutes that would otherwise apply to such employees or applicants.

(c) *Secured residential care center for children and youth established by a child welfare agency.* If, prior to the date specified in the notice under subsection (2) (b), a county enters into a contract with a child welfare agency under which the child welfare agency agrees to operate a new secured residential care center for children and youth established under section 59.53 (8m) of the statutes, the county shall include in the contract a requirement that the child welfare agency grant an initial interview to any applicant for a position at the new secured residential care center for children and youth who is an employee of Lincoln Hills School or Copper Lake School on the date that the child welfare agency begins accepting applications for that position.

(9) BUDGET REQUESTS.

(a) The department of health services shall include in its 2019−21 biennial budget request under section 16.42 of the statutes the cost for staffing, operating, and maintaining the expansion of the Mendota Juvenile Treatment Center under subsection (7g).

(b) The department of corrections shall include in its 2019−21 biennial budget request under section 16.42 of

the statutes the cost for staffing, operating, and maintaining the new Type 1 juvenile correctional facilities constructed or established under section 301.16 (1w) of the statutes.

(c) The department of children and families shall include in its 2019–21 biennial budget request under section 16.42 of the statutes a proposal to increase the appropriation under section 20.437 (1) (ck) of the statutes to provide bonuses under section 48.527 of the statutes to counties that operate a joint secured residential care center for children and youth.

(10) 2017–19 AUTHORIZED STATE BUILDING PROGRAM ADDITIONS. In 2017 Wisconsin Act 59, SECTION 9104 (1), the following projects are added to the 2017–19 Authorized State Building Program and the appropriate totals are increased by the amounts shown:

(a) In paragraph (c) 1., under projects financed by general fund supported borrowing:

em. Type 1 juvenile correctional facilities — statewide	$25,000,000

(b) In paragraph (d) 1., under projects financed by general fund supported borrowing:

bh. Expansion of the Mendota Juvenile Treatment Center — Madison	$15,000,000

SECTION 111. Initial applicability.

(1) The treatment of sections 938.34 (4m) (intro.) and (4n) (intro.) and 938.357 (4) (a), (ab), (b) 1., 2., and 4., (c) 1. and 4., and (d) of the statutes, the renumbering and amendment of section 938.357 (3) of the statutes, and the creation of section 938.357 (3) (b), (c), and (d) of the statutes with respect to a county department's supervision of a juvenile, first apply to a juvenile adjudicated delinquent by the court of the county and placed at that county's secured residential care center for children and youth under section 938.34 (4m) of the statutes.

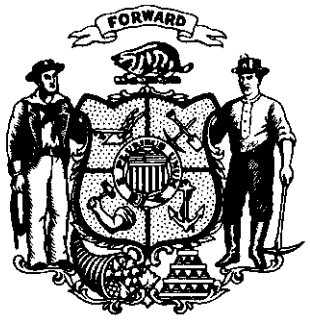
(2) The treatment of section 938.34 (3) (f) 1. of the statutes, with respect to juvenile detention facilities that are not eligible juvenile detention facilities under SECTION 110 (7m), first applies to a juvenile adjudicated delinquent on the effective date of this subsection.

(3) The treatment of section 938.34 (3) (f) 1. of the statutes, with respect to an eligible juvenile detention facility under SECTION 110 (7m), first applies to a juvenile adjudicated delinquent on January 1, 2021.

SECTION 112. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 46.011 (1p) (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.03 (10) (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57) and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4) (am) (by SECTION 70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96), 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION 107) of the statutes takes effect on the date specified in the notice under SECTION 110 (2) (b) or January 1, 2021, whichever is earlier.

State of Wisconsin



Date of enactment: **April 3, 2018**
2017 Assembly Bill 773 Date of publication*: **April 4, 2018**

2017 WISCONSIN ACT 235

AN ACT ***to renumber*** 802.06 (1), 804.01 (2) (e) 1., 893.93 (1) (a) and 893.93 (1) (b); ***to renumber and amend*** 804.09 (2) (a); ***to amend*** 218.0125 (7), 218.0126, 628.46 (1), 801.01 (2), 804.01 (1), 804.01 (2) (a), 804.01 (2) (e) 2., 804.01 (2) (e) 3., 804.01 (3) (a) 2., 804.01 (4), 804.09 (2) (b) 1., 804.12 (1) (a), 893.53, 893.89 (1) and 893.89 (3) (b); ***to repeal and recreate*** 803.08 (11); and ***to create*** 177.30 (6) and (7), 802.06 (1) (b), 804.01 (2) (am), 804.01 (2) (bg), 804.01 (2) (e) 1g., 804.045, 804.08 (1) (am), 804.09 (2) (a) 3., 893.93 (1) (cm) and 893.93 (1m) (intro.) of the statutes; **relating to:** discovery of information in court proceedings; procedural requirements relating to class actions; the statute of limitations for certain civil actions; agreements by the secretary of revenue to allow third−party audits and estimates based on statistical sampling related to unclaimed property; and interest rates for overdue insurance claims.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 177.30 (6) and (7) of the statutes are created to read:

177.30 **(6)** (a) Except as provided in pars. (b) and (c), the administrator may not enter into a contract or other agreement to allow any person to engage in an audit on a contingent fee basis of another person's documents or records as part of an effort to administer this chapter or to purchase information or documents arising from the audit.

(b) If a person whose documents or records are audited is not domiciled in this state, the administrator may enter into a contract or agreement described under par. (a) related to the person if the amount of the contingent fee under the contract or agreement does not exceed 12 percent of the total amount of property reportable and deliverable under this chapter that is disclosed by the audit.

(c) This subsection does not apply to information received from the federal government.

(7) The administrator may not enter into a contract or other agreement as part of an effort to administer this chapter that allows a person that is engaging in an audit of another person's documents or records to use statistical sampling to estimate the other person's liability unless the other person consents to the use of an estimate.

SECTION 2. 218.0125 (7) of the statutes is amended to read:

218.0125 **(7)** A claim made by a franchised motor vehicle dealer for compensation under this section shall be either approved or disapproved within 30 days after the claim is submitted to the manufacturer, importer or distributor in the manner and on the forms the manufacturer, importer or distributor reasonably prescribes. An approved claim shall be paid within 30 days after its approval. If a claim is not specifically disapproved in writing or by electronic transmission within 30 days after the date on which the manufacturer, importer or distributor receives it, the claim shall be considered to be approved and payment shall follow within 30 days. A manufacturer, importer or distributor retains the right to

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

audit claims for a period of one year after the date on which the claim is paid and to charge back any amounts paid on claims that are false or unsubstantiated. If there is evidence of fraud, this subsection does not limit the right of the manufacturer to audit for longer periods and charge back for any fraudulent claim, subject to the limitations period under s. 893.93 (1) ~~(b)~~ (cm).

SECTION 3. 218.0126 of the statutes is amended to read:

218.0126 Promotional allowances. A claim made by a franchised motor vehicle dealer for promotional allowances or other incentive payments shall be either approved or disapproved within 30 days after the claim is submitted to the manufacturer, importer or distributor in the manner and on the forms the manufacturer, importer or distributor reasonably prescribes. An approved claim shall be paid within 30 days after its approval. If a claim is not specifically disapproved in writing or by electronic transmission within 30 days after the date on which the manufacturer, importer or distributor receives it, the claim shall be considered to be approved and payment shall follow within 30 days after approval. A manufacturer, importer or distributor retains the right to audit a claim for a period of 2 years after the date on which the claim is paid and to charge back any amounts paid on claims that are false or unsubstantiated. If there is evidence of fraud, this section does not limit the right of the manufacturer to audit for longer periods and charge back for any fraudulent claim, subject to the limitations period under s. 893.93 (1) ~~(b)~~ (cm).

SECTION 4. 628.46 (1) of the statutes is amended to read:

628.46 **(1)** Unless otherwise provided by law, an insurer shall promptly pay every insurance claim. A claim shall be overdue if not paid within 30 days after the insurer is furnished written notice of the fact of a covered loss and of the amount of the loss. If such written notice is not furnished to the insurer as to the entire claim, any partial amount supported by written notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. Any part or all of the remainder of the claim that is subsequently supported by written notice is overdue if not paid within 30 days after written notice is furnished to the insurer. Any payment shall not be deemed overdue when the insurer has reasonable proof to establish that the insurer is not responsible for the payment, notwithstanding that written notice has been furnished to the insurer. For the purpose of calculating the extent to which any claim is overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the U.S. mail in a properly addressed, postpaid envelope, or, if not so posted, on the date of delivery. All overdue payments shall bear simple interest at the rate of ~~12~~ 7.5 percent per year.

SECTION 5. 801.01 (2) of the statutes is amended to read:

801.01 **(2)** SCOPE. Chapters 801 to 847 govern procedure and practice in circuit courts of this state in all civil actions and special proceedings whether cognizable as cases at law, in equity or of statutory origin except where different procedure is prescribed by statute or rule. Chapters 801 to 847 shall be construed, administered, and employed by the court and the parties to secure the just, speedy and inexpensive determination of every action and proceeding.

SECTION 6. 802.06 (1) of the statutes is renumbered 802.06 (1) (a).

SECTION 7. 802.06 (1) (b) of the statutes is created to read:

802.06 **(1)** (b) Upon the filing of a motion to dismiss under sub. (2) (a) 6., a motion for judgment on the pleadings under sub. (3), or a motion for more definite statement under sub. (5), all discovery and other proceedings shall be stayed for a period of 180 days after the filing of the motion or until the ruling of the court on the motion, whichever is sooner, unless the court finds good cause upon the motion of any party that particularized discovery is necessary.

SECTION 8. 803.08 (11) of the statutes, as affected by 2017 Supreme Court Order 17–03, is repealed and recreated to read:

803.08 **(11)** INTERLOCUTORY APPEAL OF CLASS CERTIFICATION. (a) When practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be so maintained. If the court finds that the action should be maintained as a class action, it shall certify the action accordingly on the basis of a written decision setting forth all reasons why the action may be maintained and describing all evidence in support of the determination. An order under this subsection may be altered, amended, or withdrawn at any time before the decision on the merits. The court may direct appropriate notice to the class.

(b) An appellate court shall hear an appeal of an order granting or denying class action certification, or denying a motion to decertify a class action, if a notice of appeal is filed within 14 days after entry of the order. During the pendency of an appeal under this subsection, all discovery and other proceedings shall be stayed, except that the trial court shall retain sufficient jurisdiction over the case to consider and implement a settlement of the action if a settlement is reached between the parties.

SECTION 9. 804.01 (1) of the statutes is amended to read:

804.01 **(1)** DISCOVERY METHODS. Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property,

for inspection and other purposes; physical and mental examinations; and requests for admission. Unless the court orders otherwise under sub. (3), and except as provided in ~~s.~~ ss. 804.015, 804.045, 804.08 (1) (am), and 804.09, the frequency of use of these methods is not limited.

SECTION 10. 804.01 (2) (a) of the statutes is amended to read:

804.01 **(2)** (a) *In general.* Parties may obtain discovery regarding any nonprivileged matter~~, not privileged, which~~ that is relevant to ~~the subject matter involved in the pending action, whether it relates to the~~ any party's claim or defense ~~of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence~~ and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.

SECTION 11. 804.01 (2) (am) of the statutes is created to read:

804.01 **(2)** (am) *Limitations.* Upon the motion of any party, the court shall limit the frequency or extent of discovery if it determines that one of the following applies:

1. The discovery sought is cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive.

2. The burden or expense of the proposed discovery outweighs its likely benefit or is not proportional to the claims and defenses at issue considering the needs of the case, the amount in controversy, the parties' resources, the complexity and importance of the issues at stake in the action, and the importance of discovery in resolving the issues.

SECTION 12. 804.01 (2) (bg) of the statutes is created to read:

804.01 **(2)** (bg) *Third party agreements.* Except as otherwise stipulated or ordered by the court, a party shall, without awaiting a discovery request, provide to the other parties any agreement under which any person, other than an attorney permitted to charge a contingent fee representing a party, has a right to receive compensation that is contingent on and sourced from any proceeds of the civil action, by settlement, judgment, or otherwise.

SECTION 13. 804.01 (2) (e) 1. of the statutes is renumbered 804.01 (2) (e) 1r.

SECTION 14. 804.01 (2) (e) 1g. of the statutes is created to read:

804.01 **(2)** (e) 1g. A party is not required to provide discovery of any of the following categories of electronically stored information absent a showing by the moving party of substantial need and good cause, subject to a proportionality assessment under par. (am) 2.:

a. Data that cannot be retrieved without substantial additional programming or without transforming it into another form before search and retrieval can be achieved.

b. Backup data that are substantially duplicative of data that are more accessible elsewhere.

c. Legacy data remaining from obsolete systems that are unintelligible on successor systems.

d. Any other data that are not available to the producing party in the ordinary course of business and that the party identifies as not reasonably accessible because of undue burden or cost. In response to a motion to compel discovery or for a protective order, the party from whom discovery is sought is required to show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may order discovery from such sources only if the requesting party shows good cause, considering the limitations of par. (am). The court may specify conditions for the discovery.

SECTION 15. 804.01 (2) (e) 2. of the statutes is amended to read:

804.01 **(2)** (e) 2. If a party fails or refuses to confer as required by subd. ~~1.~~ 1r., any party may move the court for relief under s. 804.12 (1).

SECTION 16. 804.01 (2) (e) 3. of the statutes is amended to read:

804.01 **(2)** (e) 3. If after conferring as required by subd. ~~1.~~ 1r., any party objects to any proposed request for discovery of electronically stored information or objects to any response under s. 804.08 (3) proposing the production of electronically stored information, the objecting party may move the court for an appropriate order under sub. (3).

SECTION 17. 804.01 (3) (a) 2. of the statutes is amended to read:

804.01 **(3)** (a) 2. That the discovery may be had only ~~on specified~~ by specifying terms ~~and conditions~~, including ~~a designation of the~~ time ~~or~~ and place or the allocation of expenses, for the disclosure or discovery;

SECTION 18. 804.01 (4) of the statutes is amended to read:

804.01 **(4)** SEQUENCE AND TIMING OF DISCOVERY. Unless the parties stipulate or the court upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

SECTION 20. 804.045 of the statutes is created to read:

804.045 Limits on quantity of depositions. A party shall be limited, unless otherwise stipulated or ordered by the court in a manner consistent with s. 804.01 (2), to a reasonable number of depositions, not to exceed 10 depositions, none of which may exceed 7 hours in duration.

SECTION 21. 804.08 (1) (am) of the statutes is created to read:

804.08 **(1)** (am) A party shall be limited, unless otherwise stipulated or ordered by the court in a manner consistent with s. 804.01 (2), to a reasonable number of requests, not to exceed 25 interrogatories, including all subparts.

SECTION 22. 804.09 (2) (a) of the statutes is renumbered 804.09 (2) (a) (intro.) and amended to read:

804.09 **(2)** (a) (intro.) Except as provided in s. 804.015, the request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons and complaint upon that party, and shall meet all of the following criteria:

1. The request shall describe with reasonable particularity each item or category of items to be inspected.

2. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

4. The request may specify the form or forms in which electronically stored information is to be produced.

SECTION 23. 804.09 (2) (a) 3. of the statutes is created to read:

804.09 **(2)** (a) 3. The request shall be limited, unless otherwise stipulated or ordered by the court in a manner consistent with s. 804.01 (2), to a reasonable time period, not to exceed 5 years prior to the accrual of the cause of action. The limitation in this subdivision does not apply to requests for patient health care records, as defined in s. 146.81 (4), vocational records, educational records, or any other similar records.

SECTION 24. 804.09 (2) (b) 1. of the statutes is amended to read:

804.09 **(2)** (b) 1. The party upon whom the request is served shall serve a written response within 30 days after the service of the request, except that a defendant may serve a response within 45 days after service of the summons and complaint upon that defendant. The court may allow a shorter or longer time. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, ~~unless~~ or state with specificity the grounds for objecting to the request ~~is objected to, in which event the reasons for objection shall be stated~~. If objection is made to part of an item or category, the part shall be specified. The response may state an objection to a requested form for producing electronically stored information. If the responding party objects to a requested form, or if no form was specified in the request, the party shall state the form or forms it intends to use. The responding party may state that it will produce copies of documents or of electronically stored information instead of permitting inspection. The production shall be completed no later than the time for inspection specified in the request or another reasonable time specified in the request or another reasonable time specified in the response.

SECTION 25. 804.12 (1) (a) of the statutes is amended to read:

804.12 **(1)** (a) *Motion.* If a deponent fails to answer a question propounded or submitted under s. 804.05 or 804.06, or a corporation or other entity fails to make a designation under s. 804.05 (2) (e) or 804.06 (1), or a party fails to answer an interrogatory submitted under s. 804.08, or if a party, in response to a request for inspection submitted under s. 804.09, fails to produce documents or fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may move for an order compelling an answer, or a designation, or an order compelling inspection in accordance with the request. When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before he or she applies for an order. If the court denies the motion in whole or in part, it may make such protective order as it would have been empowered to make on a motion made pursuant to s. 804.01 (3).

SECTION 26. 893.53 of the statutes is amended to read:

893.53 Action for injury to character or other rights. An action to recover damages for an injury to the character or rights of another, not arising on contract, shall be commenced within ~~6~~ 3 years after the cause of action accrues, except where a different period is expressly prescribed, or be barred.

SECTION 27. 893.89 (1) of the statutes is amended to read:

893.89 **(1)** In this section, "exposure period" means the ~~10~~ 7 years immediately following the date of substantial completion of the improvement to real property.

SECTION 28. 893.89 (3) (b) of the statutes is amended to read:

893.89 **(3)** (b) If, as the result of a deficiency or defect in an improvement to real property, a person sustains damages during the period beginning on the first day of the ~~8th~~ 5th year and ending on the last day of the ~~10th~~ 7th year after the substantial completion of the improvement to real property, the time for commencing the action for the damages is extended for 3 years after the date on which the damages occurred.

SECTION 29. 893.93 (1) (a) of the statutes is renumbered 893.93 (1m) (a).

SECTION 30. 893.93 (1) (b) of the statutes is renumbered 893.93 (1m) (b).

SECTION 31. 893.93 (1) (cm) of the statutes is created to read:

893.93 **(1)** (cm) An action under s. 218.0125 (7) or 218.0126.

SECTION 32. 893.93 (1m) (intro.) of the statutes is created to read:

893.93 **(1m)** (intro.) The following actions shall be commenced within 3 years after the cause of action accrues or be barred:

SECTION 33. Initial applicability.

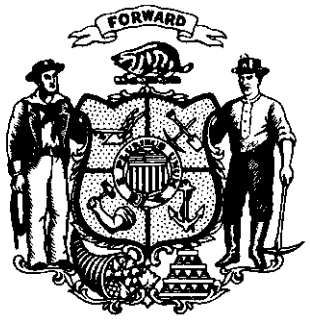
(1) THIRD–PARTY AUDITS. The treatment of section 177.30 (6) of the statutes first applies to a contract or agreement that is entered into, renewed, or modified on the effective date of this subsection.

(2) DISCOVERY PROCEDURES. The treatment of sections 802.06 (1) (b), 804.01 (1), (2) (am), (bg), and (e) 1g., (3) (a) 2., and (4), 804.045, 804.08 (1) (am), 804.09 (2) (b) 1., and 804.12 (1) (a) of the statutes, the renumbering and amendment of section 804.09 (2) (a) of the statutes, and the creation of section 804.09 (2) (a) 3. of the statutes first apply to actions that are filed on July 1, 2018.

SECTION 34. Effective dates. This act takes effect on the day after publication, except as follows:

(1) CLASS ACTIONS. The treatment of section 803.08 (11) of the statutes takes effect on July 1, 2018.

State of Wisconsin



2017 Assembly Bill 748

Date of enactment: **April 16, 2018**
Date of publication*: **April 17, 2018**

2017 WISCONSIN ACT 327

AN ACT ***to repeal*** 104.001 (3); and ***to create*** 66.0134, 66.0408 (2) (d), 103.007, 103.12, 103.36, 109.09 (3) and 947.21 of the statutes; **relating to:** preventing the state or local governments from requiring any person to accept certain collective bargaining provisions or waive its rights under the National Labor Relations Act or state labor law; prohibiting local regulation of employee hours and overtime, employment benefits, wage claims and collections, an employer's right to solicit salary information of prospective employees, and professions regulated by the state; and providing a criminal penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.0134 of the statutes is created to read:

66.0134 Labor peace agreements prohibited. (1) DEFINITIONS. In this section:

(a) "Federal labor laws" means the federal Labor Management Relations Act, 29 USC 141 to 144, and the federal National Labor Relations Act, 29 USC 151 to 169.

(b) "Local governmental unit" means a city, village, town, county, school district, including a 1st class city school district, technical college district, sewerage district, drainage district, or any other special purpose district in this state, or any other public or quasi–public corporation, officer, board, or other public body, an agency or corporation of a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

(2) AGREEMENTS PROHIBITED. Neither the state nor a local governmental unit may enact a statute or ordinance; adopt a policy or regulation; or impose a contract, zoning, permitting, or licensing requirement, or any other condition including a condition of any regulatory approval; that would require any person to accept any provision that is a mandatory or nonmandatory subject of collective bargaining under state or federal labor laws.

(3) WAIVER PROHIBITED. Neither the state nor a local governmental unit, nor any of its employees, may require any person to waive the person's rights under state or federal labor laws, or compel or attempt to compel a person to agree to waive the person's rights under state or federal labor laws as a condition of any regulatory approval or other approval by the local governmental unit.

(4) AGREEMENTS VOID. Any agreement entered into, renewed, modified, or extended on or after the effective date of this subsection .... [LRB inserts date], between any person and any labor organization in violation of this section is void.

SECTION 2. 66.0408 (2) (d) of the statutes is created to read:

66.0408 **(2)** (d) With regard to the areas in which any department of state government may impose occupational licensing requirements on any profession, a political subdivision may not impose any occupational licensing requirements on an individual who works in that

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

profession that are more stringent than the requirements imposed by the department that regulates that profession.

SECTION 3. 103.007 of the statutes is created to read:

103.007 Local regulation of hours of labor and overtime; statewide concern; uniformity. (1) The legislature finds that employee hour and overtime requirements that are uniform throughout the state is a matter of statewide concern and that the enactment of an ordinance by a city, village, town, or county regulating employee hours or overtime would be logically inconsistent with, would defeat the purpose of, and would go against the spirit of the employee hour and overtime requirements. Therefore, the employee hour and overtime requirements shall be construed as an enactment of statewide concern for the purpose of providing employee hour and overtime requirements that are uniform throughout the state.

(2) In this section, "employee hour and overtime requirements" means the requirements set forth in ss. 103.01 to 103.03, 103.24, 103.38, 103.65 (2), 103.66 (2), 103.67 (1), 103.68, 103.85, 103.915 (4) (b), 103.93 (4), 103.935, and 104.045 (3) and in the rules promulgated under those sections.

(3) (a) Subject to par. (c), no city, village, town, or county may enact or enforce an ordinance that regulates employee hours or overtime, including scheduling employee work hours or shifts.

(b) Subject to par. (c), if a city, village, town, or county has in effect on the effective date of this paragraph .... [LRB inserts date], an ordinance that regulates employee hours or overtime, including scheduling employee work hours or shifts, the ordinance does not apply and may not be enforced.

(c) Nothing in this section prohibits a city, village, town, or county from enacting or enforcing any of the following ordinances:

1. An ordinance that limits the hours that a business may operate.

2. An ordinance described in s. 103.34 (14) (b) that regulates hours or overtime of a traveling sales crew worker, as defined in s. 103.34 (1) (f).

SECTION 4. 103.12 of the statutes is created to read:

103.12 Local regulation of employment benefits; statewide concern; uniformity. (1) The legislature finds that each employer in this state should be allowed to determine the employment benefits the employer provides to its employees without interference by local governments. The legislature finds that the absence of such local regulations is a matter of statewide concern and that the enactment of an ordinance by a city, village, town, or county regulating the employment benefits an employer provides to its employees would be logically inconsistent with, would defeat the purpose of, and would go against the spirit of the legislature's intent to allow each employer to determine the employment benefits the employer provides to its employees. Therefore, this section shall be construed as an enactment of statewide concern for the purpose of providing uniform regulation throughout the state regarding the employment benefits an employer may be required to provide to its employees.

(2) In this section, "employment benefit" means anything of value, other than wages and salary, that an employer makes available to an employee, including a retirement, pension, profit sharing, insurance, or leave benefit.

(3) (a) Except as provided in ss. 103.10 (1m) (d) and 103.11 (2) (d), no city, village, town, or county may enact or enforce an ordinance requiring an employer to provide certain employment benefits to its employees, to provide a minimum level of employment benefits to its employees, or to prescribe the terms or conditions of employment benefits provided to its employees.

(b) Except as provided in ss. 103.10 (1m) (d) and 103.11 (2) (d), if a city, village, town, or county has in effect on the effective date of this paragraph .... [LRB inserts date], an ordinance requiring an employer to provide certain employment benefits or to provide a minimum level of employment benefits to its employees, the ordinance does not apply and may not be enforced.

SECTION 5. 103.36 of the statutes is created to read:

103.36 Employer right to solicit salary information of prospective employees; statewide concern; uniformity. (1) An employer may solicit information regarding the salary history of prospective employees.

(2) The legislature finds that the provision of an employer right to solicit salary information that is uniform throughout the state is a matter of statewide concern and that the enactment of an ordinance by a city, village, town, or county that prohibits an employer from soliciting salary information would be logically inconsistent with, would defeat the purpose of, and would go against the spirit of this section. Therefore, this section shall be construed as an enactment of statewide concern for the purpose of providing an employer right to solicit salary information that is uniform throughout the state.

(3) (a) No city, village, town, or county may enact or enforce an ordinance prohibiting an employer from soliciting information regarding the salary history of prospective employees.

(b) If a city, village, town, or county has in effect on the effective date of this paragraph .... [LRB inserts date], an ordinance prohibiting an employer from soliciting information regarding the salary history of prospective employees, the ordinance does not apply and may not be enforced.

SECTION 6. 104.001 (3) of the statutes is repealed.

SECTION 7. 109.09 (3) of the statutes is created to read:

109.09 **(3)** (a) The legislature finds that the provision of a wage claim and collection law that is uniform throughout the state is a matter of statewide concern and that the enactment of a wage claim or collection ordinance by a city, village, town, or county would be logi–

cally inconsistent with, would defeat the purpose of, and would go against the spirit of this section. Therefore, this section shall be construed as an enactment of statewide concern for the purpose of providing a wage claim and collection law that is uniform throughout the state.

(b) No city, village, town, or county may enact or enforce an ordinance that regulates wage claims or collections.

(c) If a city, village, town, or county has in effect on the effective date of this paragraph .... [LRB inserts date], an ordinance that regulates wage claims or collections, the ordinance does not apply and may not be enforced.

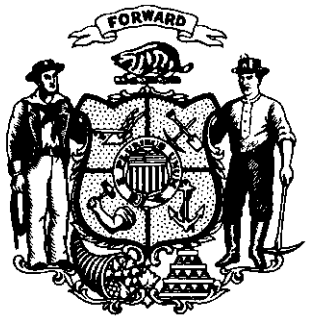
SECTION 12. 947.21 of the statutes is created to read:

947.21 Labor peace agreements prohibited. Anyone who knowingly violates s. 66.0134 (3) is guilty of a Class A misdemeanor.

SECTION 13. Initial applicability.

(1) The treatment of section 947.21 of the statutes first applies to a violation that occurs on the effective date of this subsection.

State of Wisconsin



2017 Senate Bill 798

Date of enactment: **April 17, 2018**
Date of publication*: **April 18, 2018**

2017 WISCONSIN ACT 367

(Vetoed in Part)

AN ACT ***to amend*** 77.52 (13) and 77.53 (10); and ***to create*** 20.835 (2) (cb), 77.54 (67) and 77.68 of the statutes; **relating to:** a sales and use tax rebate for certain dependent children, a sales tax holiday in August, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.835 (2) (cb) of the statutes is created to read:

20.835 **(2)** (cb) *Qualified child sales and use tax rebate for 2018.* A sum sufficient to pay the claims approved under s. 77.68.

SECTION 1b. 77.52 (13) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

77.52 **(13)** For the purpose of the proper administration of this section and to prevent evasion of the sales tax it shall be presumed that all receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services is not a taxable sale at retail is upon the person who makes the sale unless that person takes from the purchaser an electronic or a paper certificate, in a manner prescribed by the department, to the effect that the property, item, good, or service is purchased for resale or is otherwise exempt, except that no certificate is required for the sale of tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services that are exempt under s. 77.54 (5) (a) 3., (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), (52), ~~and~~ (66)<u>, and (67)</u>.

SECTION 1d. 77.53 (10) of the statutes is amended to read:

77.53 **(10)** For the purpose of the proper administration of this section and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable services sold by any person for delivery in this state is sold for storage, use, or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless that person takes from the purchaser an electronic or paper certificate, in a manner prescribed by department, to the effect that the property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable service is purchased for resale, or otherwise exempt from the tax, except that no certificate is required for the sale of tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), ~~and~~ (52)<u>, and (67)</u>.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 1f. 77.54 (67) of the statutes is created to read:

77.54 **(67)** (a) In this subsection:

1. "Clothing" means any wearing apparel for humans that is suitable for general use, not including all of the following:

a. Belt buckles sold separately.

b. Costume masks sold separately.

c. Patches and emblems sold separately.

d. Sewing equipment and supplies, including knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles.

e. Sewing materials that become part of clothing, including buttons, fabric, lace, thread, yarn, and zippers.

f. Clothing accessories or equipment.

g. Protective equipment.

h. Sport or recreational equipment.

2. "Clothing accessories or equipment" means incidental items worn on a person or in conjunction with clothing, not including clothing, protective equipment, or sport or recreational equipment, but including all of the following:

a. Briefcases.

b. Cosmetics.

c. Hair notions, including barrettes, hair bows, and hairnets.

d. Handbags.

e. Handkerchiefs.

f. Jewelry.

g. Nonprescription sunglasses.

h. Umbrellas.

i. Wallets.

j. Watches.

k. Wigs.

L. Hairpieces.

3. "Computer" means a personal computer such as a laptop or desktop computer or a tablet, but not including a phone.

4. "Eligible property" means an item that qualifies for exemption under this subsection.

5. "Layaway sale" means a transaction in which property is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the sales price over time, and, at the end of the payment period, receives the property. An order is accepted for layaway by the seller when the seller removes the property from inventory or clearly identifies the property as sold to the purchaser.

6. "Protective equipment" means items for human wear that are designed to protect the wearer against injury or disease or to protect property or other persons from damage or injury. "Protective equipment" does not include items suitable for general use, clothing, clothing accessories or equipment, or sport or recreational equipment. "Protective equipment" includes:

a. Breathing masks.

b. Clean room apparel and equipment.

c. Ear and hearing protectors.

d. Face shields.

e. Hard hats.

f. Helmets.

g. Paint or dust respirators.

h. Protective gloves.

i. Safety glasses and goggles.

j. Safety belts.

k. Tool belts.

L. Welders gloves and masks.

7. "Rain check" means a seller allowing a purchaser to purchase an item at a certain price at a later time because the item was out of stock.

8. "School art supply" means any of the following items that are commonly used by a student in a course of study for artwork, but not including a school computer supply, school supply, or school instructional material:

a. Clay and glazes.

b. Acrylic, tempera, and oil paints.

c. Paintbrushes.

d. Sketch and drawing pads.

e. Watercolors.

9. "School computer supply" means any of the following items that are commonly used by a student in a course of study in which a computer is used, but not including a school art supply, school supply, or school instructional material:

a. Computer storage media, diskettes, and compact discs.

b. Handheld electronic schedulers, not including cellular phones.

c. Personal digital assistants, not including cellular phones.

d. Computer printers.

e. Printer supplies for computers, printer paper, and printer ink.

10. "School instructional material" means any of the following that is commonly used by a student in a course of study as a reference and to learn the subject being taught, but not including a school art supply, school computer supply, or school supply:

a. Reference books.

b. Reference maps and globes.

c. Textbooks.

d. Workbooks.

11. "School supply" means any of the following items that are commonly used by a student in a course of study, but not including a school art supply, school computer supply, or school instructional material:

a. Binders.

b. Book bags.

c. Calculators.

d. Cellophane tape.

e. Blackboard chalk.

f. Compasses.

g. Composition books.
h. Crayons.
i. Erasers.
j. Folders.
k. Glue, paste, and paste sticks.
L. Highlighters.
m. Index cards.
n. Index card boxes.
o. Legal pads.
p. Lunch boxes.
q. Markers.
r. Notebooks.
s. Loose–leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper.
t. Pencil boxes and other school supply boxes.
u. Pencil sharpeners.
v. Pencils.
w. Pens.
x. Protractors.
y. Rulers.
z. Scissors.
za. Writing tablets.

12. "Sport or recreational equipment" means items designed for human use and worn in conjunction with an athletic or recreational activity. "Sport or recreational equipment" does not include items suitable for general use, clothing, clothing accessories or equipment, or protective equipment. "Sport or recreational equipment" includes:

a. Ballet and tap shoes.
b. Athletic shoes with cleats or spikes.
c. Gloves.
d. Goggles.
e. Hand and elbow guards.
f. Life preservers and vests.
g. Mouth guards.
h. Roller skates.
i. Ice skates.
j. Shin guards.
k. Shoulder pads.
L. Ski boots.
m. Waders.
n. Wetsuits and fins.

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(b) For the 2–day period beginning on the first Saturday in August and ending on the following Sunday, the sales price from the sale of and the storage, use, or other consumption of the following:

1. Clothing, if the sales price of any single item is no more than $75.

2. A computer purchased by the consumer for the consumer's personal use, if the sales price of the computer is no more than $750.

3. School computer supplies purchased by the consumer for the consumer's personal use, if the sales price of any single item is no more than $250.

4. School supplies, if the sales price of any single item is no more than $75.

(c) The exemption under this subsection shall be administered as follows:

1. A sale of eligible property under a layaway sale qualifies for exemption if either of the following applies:

a. Final payment on a layaway order is made by, and the property is given to, the purchaser during the exemption period.

b. The purchaser selects the property and the retailer accepts the order for the item during the exemption period, for immediate delivery upon full payment, even if delivery is made after the exemption period.

2. The bundled transaction provisions under subs. (51) and (52) and ss. 77.51 (1f) and (3pf) and 77.52 (20), (21), (22), and (23) apply in the same manner during the exemption period under this subsection as they apply in other periods.

3. A discount by the seller reduces the sales price of the property and the discounted sales price determines whether the sales price is within the price threshold in par. (b). A coupon that reduces the sales price is treated as a discount if the seller is not reimbursed for the coupon amount by a 3rd party. If a discount applies to the total amount paid by a purchaser rather than to the sales price of a particular item and the purchaser has purchased both eligible property and taxable property, the seller shall allocate the discount based on the total sales prices of the taxable property compared to the total sales prices of all property sold in that same transaction.

4. Products that are normally sold as a single unit shall be sold in that manner and may not be divided into multiple units and sold as individual items in order to obtain the exemption under this subsection.

5. Eligible property that is purchased during the exemption period with the use of a rain check qualifies for the exemption regardless of when the rain check was issued. Items purchased after the exemption period with the use of a rain check are not eligible property under this subsection even if the rain check was issued during the exemption period.

6. The procedure for an exchange with regard to the exemption under this subsection is as follows:

a. If a purchaser purchases an item of eligible property during the exemption period but later exchanges the item for a similar item of eligible property, even if different in size, color, or another feature, no additional tax is due even if the exchange is made after the exemption period.

b. If a purchaser purchases an item of eligible property during the exemption period, but after the exemption period has ended, the purchaser returns the item and receives credit on the purchase of a different item, the appropriate sales tax is due on the sale of the different item.

c. If a purchaser purchases an item of eligible property before the exemption period, but during the exemption period the purchaser returns the item and receives credit on the purchase of a different item of eligible property, no sales tax is due on the sale of the new item if the new item is purchased during the exemption period.

7. Delivery charges, including shipping, handling, and service charges, are part of the sales price of eligible property. For the purpose of determining the price threshold under par. (b), if all the property in a shipment qualifies as eligible property and the sales price for each item in the shipment is within the price threshold under par. (b), the shipment is considered a sale of eligible property and the seller does not have to allocate the delivery, handling, or service charge to determine if the price threshold under par. (b) is exceeded. If the shipment includes eligible property and taxable property, including an item of eligible property with a sales price in excess of the price threshold, the seller shall allocate the delivery, handling, and service charge by using one of the following methods and shall apply the tax to the percentage of the delivery, handling, and service charge allocated to the taxable property:

a. A percentage based on the total sales price of the taxable property compared to the total sales price of all property in the shipment.

b. A percentage based on the total weight of the taxable property compared to the total weight of all property in the shipment.

8. Eligible property qualifies for exemption under this subsection if either of the following applies:

a. The item is both delivered to and paid for by the customer during the exemption period.

b. The purchaser orders and pays for the item and the seller accepts the order during the exemption period for immediate shipment, even if delivery is made after the exemption period. For purposes of this subd. 8. b., the seller accepts an order when the seller has taken action to fill the order for immediate shipment. Actions to fill an order include placement of an in–date stamp on a mail order or assignment of an order number to a telephone order. For purposes of this subd. 8. b., an order is for immediate shipment when the customer does not request delayed shipment and regardless of whether the shipment is delayed because of a backlog of orders or because stock is currently unavailable, or on back order, by the seller.

9. For a 60–day period immediately after the exemption period under this subsection, when a purchaser returns an item that would qualify for the exemption, no credit for or refund of sales tax shall be given unless the purchaser provides a receipt or invoice that shows tax was paid or the seller has sufficient documentation to show that tax was paid on the specific item.

10. The time zone of the seller's location determines the authorized period for the exemption under this subsection when the retailer and purchaser are located in different time zones.

(d) This subsection does not apply in 2019 or in any year thereafter.

SECTION 2. 77.68 of the statutes is created to read:

77.68 Qualified child sales and use tax rebate for 2018. (1) DEFINITIONS. In this section:

(a) "Claimant" means an individual who is eligible under sub. (3) to claim a rebate under this section.

(b) "Department" means the department of revenue.

(c) "Full–year resident" means an individual who was a resident of this state for the entire year of 2017.

(d) "Nonresident" means an individual who was not a resident of this state for any part of 2017.

(e) "Part–year resident" means an individual who was a resident of this state for some part of 2017.

(f) "Qualified child" means an individual to whom all of the following apply:

1. The individual is under 18 years of age for the entire year of 2017.

2. The individual is the claimant's child and the claimant's dependent, as defined under section 152 of the Internal Revenue Code. **Vetoed In Part**

3. The individual is a United States citizen.

4. The individual was a resident of this state on December 31, 2017.

(2) CLAIMS. (a) Subject to the limitations and conditions under sub. (4), a claimant may claim, as an approximation of the nonbusiness Wisconsin sales or use tax paid in 2017 for raising children, a rebate equal to $100 for each qualified child of the claimant. An eligible claimant may claim the rebate by submitting an online application, as prescribed by the department. The department may request that the claimant verify the eligibility of the claimant or child by submitting to the department vital records information or any other information requested by the department. For purposes of this paragraph, the department of health services shall supply, without charge, vital records information to the department of revenue.

(b) For each approved claim described under par. (a), the department shall certify the allowable amount of the claim to the department of administration for payment to the claimant by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (cb) by September 1, 2018.

(3) ELIGIBILITY. (a) An individual who is a full–year resident, nonresident, or part–year resident and who has a qualified child is eligible to receive a rebate under sub. (2) if the individual files a claim for the rebate with the department not later than June 30, 2018. The claim shall be filed by submitting an online application prescribed by the department. The department shall require a nonresident, or a part–year resident who was not a resident on December 31, 2017, to verify his or her nonbusiness Wis–

consin sales or use taxes paid in 2017, and the verified amount must be at least $100 for each qualified child of the claimant to be eligible to receive a rebate under sub. (2).

(b) A qualified child may be claimed for the rebate under sub. (2) by only one claimant.

(4) LIMITATIONS AND CONDITIONS. (a) Section 71.80 (3) and (3m), as it applies to income tax refunds, applies to a sales and use tax rebate under this section.

(b) The department may enforce the rebate under this section and may take any action, conduct any proceeding, and proceed as it is authorized with respect to taxes under ch. 71. The income tax provisions in ch. 71 relating to assessments, refunds, appeals, collection, interest, and penalties apply to the rebate under this section.

(c) After a rebate has been issued under sub. (2) but before the check, share draft, or other draft has been cashed, the spouse of a married claimant may request a separate check, share draft, or other draft for 50 percent of the joint rebate.

(d) If the department is unable to locate an eligible claimant who claimed a rebate under sub. (2) by December 31, 2018, or, notwithstanding s. 20.912 (1), (2), and (3), if an eligible claimant who is issued a check, share draft, or other draft does not cash the check, share draft, or other draft by December 31, 2018, the right to the rebate lapses.

(e) If a claimant becomes deceased after he or she filed his or her claim for a rebate under sub. (2), the amount of the rebate for which the claimant is eligible shall be paid to the claimant's estate.

(5) SUNSET. Except as provided in sub. (4) (b), this section does not apply after December 31, 2018.

SECTION 3. Nonstatutory provisions.

(1) DETERMINATIONS OF ELIGIBILITY OR EXTENT OR AMOUNT OF CERTAIN BENEFITS.

(a) In this subsection, "state agency" has the meaning given in section 16.417 (1) (a) of the statutes.

(b) Notwithstanding any other provision of state law that relates to determining, based on an individual's personal income or assets, that individual's eligibility for a state–funded grant, loan, monetary assistance, or other benefit or the amount or extent of that grant, loan, monetary assistance, or other benefit, a state agency may not consider receipt of a onetime rebate of nonbusiness Wisconsin sales or use tax under section 77.68 of the statutes to be income or an asset of the individual. This paragraph shall be broadly construed to avoid determinations of ineligibility for a state–funded grant, loan, monetary assistance, or other benefit.

(c) By July 1, 2018, the department of health services shall request a waiver, to the extent permitted under federal law, from the secretary of the federal department of health and human services under 42 USC 1396n (c), and shall amend the state plan for services under 42 USC 1396, to authorize the department of health services to disregard receipt by an individual of a onetime rebate of nonbusiness Wisconsin sales or use tax under section 77.68 of the statutes in determining the individual's eligibility for medical assistance under section 49.46 (1), 49.465, or 49.47 (4) of the statutes.

(d) To the extent permitted under federal law, a state agency shall disregard receipt by an individual of a onetime rebate of nonbusiness Wisconsin sales or use tax under section 77.68 of the statutes in determining the individual's eligibility for a federally funded grant, loan, monetary assistance, or other benefit or in determining the amount or extent of that grant, loan, monetary assistance, or other benefit.

SECTION 4. Fiscal changes.

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (a) of the statutes, the dollar amount for fiscal year 2017–18 is increased by $506,400 due to increased program costs associated with the onetime individual nonbusiness Wisconsin sales and use tax rebate under section 77.68 of the statutes.